



## LODI CITY COUNCIL

Carnegie Forum

305 West Pine Street, Lodi

## AGENDA – REGULAR MEETING

Date: June 20, 2007

Time: Closed Session 6:00 p.m.  
Regular Meeting 7:00 p.m.

For information regarding this Agenda please contact:

**Randi Johl**

**City Clerk**

**Telephone: (209) 333-6702**

**NOTE:** All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 24 hours prior to the meeting date.

### **C-1 Call to Order / Roll Call**

### **C-2 Announcement of Closed Session**

- a) Actual Litigation: Government Code §54956.9(a); One Case; Richard Romero, a Minor by and through His Guardian ad Litem, Susie Romero v. City of Lodi, et al., Superior Court, County of San Joaquin, Case No. CV 027014
- b) Prospective Acquisition of Real Property for Street Easement Deed Dedications from Certain Property Owners Located within the Turner Road/Lower Sacramento Road Project Limits, Lodi, California, for Right-of-Way; the Negotiating Parties are General Mills (APN #s 015-230-31 and 015-230-40) and City of Lodi; Government Code §54956.8 (PW)
- c) Actual Litigation: Government Code §54956.9(a); One Case; Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al., Superior Court, County of San Francisco, Case No. 323658
- d) Conference with Blair King, City Manager, and Jim Krueger, Deputy City Manager (Acting Labor Negotiators), Regarding Police Mid-Managers and Fire Mid-Managers Pursuant to Government Code §54957.6

### **C-3 Adjourn to Closed Session**

**NOTE: THE FOLLOWING ITEMS WILL COMMENCE NO SOONER THAN 7:00 P.M.**

### **C-4 Return to Open Session / Disclosure of Action**

#### **A. Call to Order / Roll call**

#### **B. Invocation – Lieutenant Dan Williams, Lodi Salvation Army**

#### **C. Pledge of Allegiance**

#### **D. Presentations**

##### **D-1 Awards**

- a) Present Joint Apprenticeship Committee Plaques to Members of the Lodi Fire Department (FD)

##### **D-2 Proclamations**

- a) Firefighter Muscular Dystrophy Association "Fill the Boot" Fundraiser (FD)

##### **D-3 Presentations**

- a) Presentation of Leadership Lodi Class of 2007 Project, "Leadership Lodi Goes to the Dogs"

#### **E. Consent Calendar (Reading; Comments by the Public; Council Action)**

- E-1 Receive Register of Claims in the Amount of \$5,059,922.05 (FIN)

- E-2 Approve Minutes (CLK)
  - a) May 30, 2007 (Special Joint Meeting w/City of Lodi Redevelopment Agency)
  - b) June 5, 2007 (Shirtsleeve Session)
  - c) June 6, 2007 (Regular Meeting)
  - d) June 12, 2007 (Shirtsleeve Session)
  - e) June 13, 2007 (Special Joint Meeting w/Planning Commission)
- Res. E-3 Adopt Resolution Authorizing the Sole Source Purchase and Installation of Swimming Pool Heater (\$28,899.61) and Sand Filter System (\$25,600.30) for Enze Pool at Blakely Park, 1050 South Stockton Street, to Knorr System, Inc., of Santa Clara, CA, and Appropriate Proceeds from the Sale of Surplus Property (\$40,402.00) and an Additional \$14,097.90 to Cover the Cost of this Purchase (PR)
- E-4 Accept Improvements under Contract for the Blakely Park South Pool Deck Improvements, 1050 South Stockton Street (PR)
- Res. E-5 Adopt Resolution Accepting Improvements under Contract for Roof Replacements at Legion Park, 835 South Hutchins Street, and Kofu Park, 1145 South Ham Lane (PR)
- Res. E-6 Adopt Resolution Approving Contract in the Amount of \$217,824 with Lodi Unified School District and the City of Lodi Parks and Recreation Department to Provide After School Education and Safety Program at Four Locations During Fiscal Year 2007-08 (PR)
- Res. E-7 Adopt Resolution Rescinding the Joint Powers Agreement of 1973 Creating the 49-99  
Res. Cooperative Library System and Adopt Resolution Authorizing the Library to Join the Re-Established Cooperative Library System under a Joint Resolution (LIB)
- Res. E-8 Adopt Resolution Awarding Service Contract to Auriga Corporation, of Milpitas, CA, to Provide Routing and Siting Evaluation for a Western Transmission Line Interconnection (\$95,950) (EUD)
- Res. E-9 Adopt Resolution Authorizing the City Manager to Execute Task Order with Treadwell & Rollo for Groundwater Monitoring Services for Lodi Central Plume (\$62,000) (PW)
- Res. E-10 Adopt Resolution Approving Renewal of Maintenance of State Highway Agreement with the State of California Department of Transportation (Caltrans) for Fiscal Year 2006-07 (\$9,108) and Authorizing the City Manager to Execute Subsequent Agreements (PW)
- Res. E-11 Adopt Resolution Authorizing the City Manager to Execute the Master Agreements and All Program Supplements for State-Funded Transit Projects and Any Amendments Thereto with the California Department of Transportation (PW)
- Res. E-12 Adopt Resolution Renewing Line of Credit with Farmers and Merchants Bank (\$3,000,000) at No Cost to the City of Lodi for the Lodi Electric Utility through June 30, 2008 (CM)
- E-13 Approve Submitted City of Lodi Arts & Cultural Project Mini-Grants for 2006-07 (COM)
- E-14 Approve Insubstantial Amendments to the Assignment and Assumption Agreement, Attached as Exhibit G to the Development Agreement by and between the City of Lodi and San Joaquin Valley Land Company (SJVLC), and Thereby Consent to the Assignment of the Blue Shield Site from SJVLC to Blue Shield and Grant of Temporary Easement (CA)

**F. Comments by the Public on Non-Agenda Items**

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

**G. Comments by the City Council Members on Non-Agenda Items**

**H. Comments by the City Manager on Non-Agenda Items**

**I. Public Hearings – None**

**J. Communications**

J-1 Claims Filed Against the City of Lodi – None

J-2 Appointments

a) Post for One Vacancy on the Lodi Arts Commission (CLK)

b) Appointments to the Greater Lodi Area Youth Commission (Student Appointees) (CLK)

J-3 Miscellaneous

a) Monthly Protocol Account Report (CLK)

**K. Regular Calendar – None**

**L. Ordinances – None**

**M. Adjournment**

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

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Randi Johl  
City Clerk



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Present "Joint Apprenticeship Committee" (JAC) plaques to members of the Lodi Fire Department (FD)

**MEETING DATE:** June 20, 2007

**PREPARED BY:** Michael E. Pretz, Fire Chief

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**RECOMMENDED ACTION:** Presentation

**BACKGROUND INFORMATION:** Chiefs Donnelly and Larson will present JAC plaques to the following members of the Lodi Fire Department:

Battalion Chief Ronald Penix  
Captain Peter Iturraran  
Engineer Bradley Doell  
Engineer Grant Gibson  
Engineer Shane Langone  
Engineer David Mettler  
Engineer Michael Woznick  
Fire Fighter II Michael Alegre II  
Fire Fighter II Paul Alvarez  
Fire Fighter II Aaron Ayers  
Fire Fighter II David Bolognini  
Fire Fighter II Emilio Cahue  
Fire Fighter II Michael Melton  
Fire Fighter II Jeremy Quaglia  
Fire Fighter II Todd Wagner

**FISCAL IMPACT:** None

**FUNDING AVAILABLE:** None Required

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Michael E. Pretz, Fire Chief

MEP/lh

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**APPROVED:** \_\_\_\_\_  
Blair King, City Manager



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## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Firefighter Muscular Dystrophy Association "Fill the Boot" Fundraiser

**MEETING DATE:** June 20, 2007

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** Present proclamation setting forth Saturday, July 14, 2007, as the date for the Firefighter Muscular Dystrophy Association "Fill the Boot" fundraiser in the City of Lodi.

**BACKGROUND INFORMATION:** The Mayor has been requested to present a proclamation setting forth Saturday, July 14, 2007, as the date for the Firefighter Muscular Dystrophy Association "Fill the Boot" fundraiser in the City of Lodi. Rod Cordero, Fire Engineer with the Lodi Fire Department, will be at the meeting to accept the proclamation.

**FISCAL IMPACT:** None.

**FUNDING AVAILABLE:** None.

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Randi Johl  
City Clerk

RJ/JMP

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**APPROVED:** \_\_\_\_\_  
Blair King, City Manager



## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Presentation of Leadership Lodi's Class of 2007 Project, "Leadership Lodi Goes to the Dogs"

**MEETING DATE:** June 20, 2007

**PREPARED BY:** Public Works Director

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**RECOMMENDED ACTION:** Presentation; none required.

**BACKGROUND INFORMATION:** Members of the 2007 Leadership Lodi class will present information on this year's class project, "Leadership Lodi Goes to the Dogs". The project seeks to raise funds for Animal Friends Connection to be used to help improve the quality of life for the animals awaiting adoption.

**FISCAL IMPACT:** None.

**FUNDING AVAILABLE:** Not applicable.

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Richard C. Prima, Jr.  
Public Works Director

Prepared by Rebecca Areida, Management Analyst

RCP/RA/pmf

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**APPROVED:** \_\_\_\_\_  
Blair King, City Manager



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## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Receive Register of Claims Dated May 24 and May 31, 2007 in the Total Amount of \$5,059,922.05.

**MEETING DATE:** June 20, 2007

**PREPARED BY:** Financial Services Manager

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**RECOMMENDED ACTION:** Receive the attached Register of Claims for \$5,059,922.05.

**BACKGROUND INFORMATION:** Attached is the Register of Claims in the amount of \$5,059,922.05 dated 5/24/07 and 5/31/07. Also attached is Payroll in the amount of \$1,174,678.28.

**FISCAL IMPACT:** n/a

**FUNDING AVAILABLE:** As per attached report.

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Ruby R. Paiste, Financial Services Manager

RRP/rp

Attachments

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**APPROVED:** \_\_\_\_\_  
Blair King, City Manager

Accounts Payable Council Report			Page Date Amount	- - -	1 06/05/07
As of Thursday	Fund	Name			
05/24/07	00100	General Fund	417,268.14		
	00160	Electric Utility Fund	3,288,697.45		
	00170	Waste Water Utility Fund	13,106.11		
	00172	Waste Water Capital Reserve	13,119.14		
	00180	Water Utility Fund	7,333.31		
	00181	Water Utility-Capital Outlay	142.23		
	00210	Library Fund	9,168.00		
	00235	LPD-Public Safety Prog AB 1913	1,635.72		
	00260	Internal Service/Equip Maint	41,259.88		
	00270	Employee Benefits	37,562.74		
	00300	General Liabilities	1,108.99		
	00310	Worker's Comp Insurance	8,166.67		
	00321	Gas Tax	6,697.13		
	00325	Measure K Funds	4.18		
	00340	Comm Dev Special Rev Fund	11,927.02		
	01218	IMF General Facilities-Adm	64,027.82		
	01250	Dial-a-Ride/Transportation	142,722.11		
	01410	Expendable Trust	855.00		
Sum			4,064,801.64		
	00190	Central Plume	15,226.58		
Sum			15,226.58		
Total for Week					
Sum			4,080,028.22		



Accounts Payable  
Council Report

Page

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1

Date  
Amount

- 06/05/07

As of Thursday	Fund	Name	
05/31/07	00100	General Fund	600,547.77
	00160	Electric Utility Fund	28,009.06
	00164	Public Benefits Fund	1,365.03
	00170	Waste Water Utility Fund	3,472.29
	00172	Waste Water Capital Reserve	74,977.30
	00180	Water Utility Fund	4,899.65
	00210	Library Fund	974.03
	00235	LPD-Public Safety Prog AB 1913	621.63
	00260	Internal Service/Equip Maint	9,942.07
	00270	Employee Benefits	19,775.34
	00300	General Liabilities	8,849.60
	00321	Gas Tax	4,261.84
	00329	TDA - Streets	45,000.00
	00340	Comm Dev Special Rev Fund	8,193.80
	01218	IMF General Facilities-Adm	1,080.00
	01250	Dial-a-Ride/Transportation	36,172.55
	01410	Expendable Trust	72,121.15
Sum			920,263.11
	00184	Water PCE-TCE-Settlements	22.50
	00190	Central Plume	59,608.22
Sum			59,630.72
Total for Week			
Sum			979,893.83

06/05/07

Payroll	Pay Per Date	Co	Name	Gross Pay
			-	
Regular	05/20/07	00100	General Fund	762,255.26
		00160	Electric Utility Fund	136,703.76
		00164	Public Benefits Fund	5,162.00
		00170	Waste Water Utility Fund	69,362.75
		00180	Water Utility Fund	9,880.98
		00210	Library Fund	32,944.11
		00235	LPD-Public Safety Prog AB 1913	4,395.28
		00260	Internal Service/Equip Maint	18,305.78
		00321	Gas Tax	54,219.31
		00340	Comm Dev Special Rev Fund	39,990.49
		01250	Dial-a-Ride/Transportation	3,114.56
			Pay Period Total:	
Sum				1,136,334.28
Retiree	06/30/07	00100	General Fund	38,344.00
			Pay Period Total:	
Sum				38,344.00



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## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Approve Minutes  
a) May 30, 2007 (Special Joint Meeting w/City of Lodi Redevelopment Agency)  
b) June 5, 2007 (Shirtsleeve Session)  
c) June 6, 2007 (Regular Meeting)  
d) June 12, 2007 (Shirtsleeve Session)  
e) June 13, 2007 (Special Joint Meeting w/Planning Commission)

**MEETING DATE:** June 20, 2007

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** Approve the following minutes as prepared:  
a) May 30, 2007 (Special Joint Meeting w/City of Lodi Redevelopment Agency)  
b) June 5, 2007 (Shirtsleeve Session)  
c) June 6, 2007 (Regular Meeting)  
d) June 12, 2007 (Shirtsleeve Session)  
e) June 13, 2007 (Special Joint Meeting w/Planning Commission)

**BACKGROUND INFORMATION:** Attached are copies of the subject minutes, marked Exhibits A through E.

**FISCAL IMPACT:** None.

**FUNDING AVAILABLE:** None required.

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Randi Johl  
City Clerk

RJ/JMP

Attachments

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**APPROVED:** \_\_\_\_\_  
Blair King, City Manager

**LODI CITY COUNCIL  
SPECIAL JOINT CITY COUNCIL MEETING  
WITH THE CITY OF LODI REDEVELOPMENT AGENCY  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, MAY 30, 2007**

**A. CALL TO ORDER / ROLL CALL**

The Special Joint City Council meeting with the City of Lodi Redevelopment Agency of May 30, 2007, was called to order by Mayor Johnson at 6:04 p.m.

Present: Council Members – Hansen, Hitchcock, Katzakian, Mounce, and Mayor Johnson

Absent: Council Members – None

Present: Redevelopment Agency Members – Hansen, Hitchcock, Katzakian, Mounce, and  
Chairperson Johnson

Absent: Redevelopment Agency Members – None

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

**B. PUBLIC HEARINGS**

B-1 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Johnson called for the public hearing to consider adoption of the City of Lodi and Lodi Redevelopment Agency Fiscal Year 2007-08 Operating and Capital Outlay Budgets.

City Manager King briefly introduced the subject matter. Mr. King provided additional information on frozen positions and mandatory vacancies. Specific topics of discussion included institutional memory, attrition, cost accounting associated with frozen/mandatory vacancies, maintaining service levels, and tracking for administration purposes.

Council Member Hansen stated he was in favor of eliminating the frozen and mandatory vacancies program and provided the reasons for the same.

Council Member Hitchcock stated she was in favor of eliminating the frozen and mandatory vacancies program and provided the reasons for the same. She also suggested the historical information be retained by staff.

Mayor Johnson stated he was in favor of eliminating the frozen and mandatory vacancies program and provided the reasons for the same. He also stated he was concerned about filling positions for the smaller departments.

Council Member Katzakian stated he was in favor of keeping the program as is and provided the reasons for the same.

Mayor Pro Tempore Mounce stated she was in favor of eliminating the frozen and mandatory vacancies program and provided the reasons for the same. She expressed her concerns regarding filling positions for the Finance Department.

In response to Mayor Johnson, Council Member Hitchcock stated that there was no other program before the mandated vacancies program because financial conditions were different.

**MOTION #1 / VOTE:**

The City Council, on motion of Council Member Hansen, Hitchcock second, eliminated the frozen/mandatory vacancies program by the following vote:

Ayes: Council Members – Hansen, Hitchcock, Mounce, and Mayor Johnson

Noes: Council Members – Katzakian

Absent: Council Members – None

City Manager King stated staff will continue to work on a way to preserve the historical information associated with positions.

### Electric Utility

Electric Utility Director Morrow provided a presentation regarding the proposed departmental budget.

In response to Council Member Hansen, Mr. Morrow stated an additional \$400,000 was spent on the Killelea Substation project.

In response to Council Member Hansen, Mr. Morrow stated they will be looking to fill 50 positions total, many of which are promotional in nature whereby the former positions may not be filled, in addition to the 16 positions that will remain unfilled. Discussion ensued between Council Member Hansen and Mr. Morrow regarding the same.

In response to Council Member Hansen, Mr. Morrow stated the overall goal is to remain under the budget goal, of which the personnel costs are approximately \$300,000 less than the previous year.

In response to Council Member Hitchcock, City Manager King stated that the budgeted positions include authorized positions less the mandatory vacancies.

In response to Council Member Hitchcock, Mr. Morrow stated that the special payment for \$16.5 million is for additional debt service for the upcoming year.

In response to Council Member Hitchcock, Mr. Morrow stated PG&E involvement is being looked at as a "what if" scenario with the new Lodi project.

In response to Mayor Pro Tempore Mounce, Mr. Krueger stated the original number, before downsizing from \$6.5 million, was approximately \$4 million.

Discussion ensued between Council Member Hitchcock, Council Member Hansen, and Mr. Morrow regarding the priority of the new Lodi project and having a municipal-controlled utility with PG&E participation.

### Public Works

Public Works Director Prima provided a presentation regarding the proposed departmental budget. Mr. Prima specifically discussed the services and funds associated with water, wastewater, streets and drainage, transit, and fleet and facilities services.

In response to Mayor Johnson, Mr. Prima stated they are continuing to work on ways to keep the cost of the water meter installations down.

In response to Council Member Hansen, Mr. Prima stated the Lockeford Street project will be complete by this year, but they are still working on the right of ways with respect to the railroad and funding. Mr. Prima stated that portion of the project may take a few more years.

In response to Council Member Hansen, Mr. Prima stated they do budget for relatively minor signage and safety improvements and receive some grant assistance. Council Member Hansen requested an update on the crosswalk in front of Tokay High School.

In response to Council Member Hitchcock, Mr. Krueger stated the decrease in personnel costs is a combination of allocations to capital projects, interagency fund transfers, and benefits. Mr. King provided an overview of the benefits associated with capturing actual costs on a project similar to that of the private industry.

In response to Council Member Hitchcock, Mr. Prima stated the shift in PCE/TCE funding is due to the change from litigation to remediation. He stated the White Slough project is also moving forward.

In response to Mayor Pro Tempore Mounce, Mr. Krueger stated the change in numbers between the last and current reviews reflects everything up to the audited adjustments.

#### Library

Library Services Director Martinez provided a presentation regarding the proposed departmental budget.

In response to Council Member Hitchcock, Ms. Martinez stated that the trend associated with lower material check out and higher visits is likely due to Internet usage and will likely continue.

#### Community Center

Community Center Director Rodems provided a presentation regarding the proposed departmental budget.

In response to Council Member Hansen, Mr. Rodems stated the Center is reviewing marketing efforts for the senior community, customer service with the private sector, and evaluating general processes and challenges.

In response to Mayor Pro Tempore Mounce, Mr. Rodems stated they are looking at feasibility options for the Safari software utilized by Parks and Recreation and the Square despite some of the inherent limitations of the program. Mr. Rodems stated they are also reviewing differences in the registration system and ticketing tools.

In response to Council Member Hitchcock, Mr. Rodems stated staff is looking at the Camp Hutchins program and related facility uses; although, he has not had any direct discussions with the Budget Committee regarding the same. He stated they have not had any specific demands or requests for usage at the current time and renovations may be a consideration.

In response to Mayor Johnson, Mr. Rodems stated they can review the options available to both the Library and the Square as it relates to computer usage.

#### Community Development

Community Improvement Manager Wood provided a presentation regarding the proposed departmental budget. Mr. Wood reviewed the Community Development budget and the block grant program.

In response to Council Member Hitchcock, Mr. Krueger stated Community Development activity amounts moved from general to special funds.

In response to Council Member Hitchcock, Mr. Krueger confirmed that the senior building technician position was phased out and a permit technician position was added.

In response to Council Member Hitchcock, Mr. Krueger confirmed that the personnel cost was going up from \$1.6 million to \$1.8 million and stated a plan check engineer is a higher paid position.

In response to Council Member Hansen, Mr. Wood stated the Planning staff is on calendar for comments and progression of the new Development Code.

In response to Mayor Johnson, City Manager King stated that State law permits the Local Agency Formation Commission (LAFCO) to conduct a municipal services review periodically; although, the County has not consistently performed this review.

City Manager

City Manager King provided a presentation regarding the proposed departmental budget. Mr. King also discussed economic development. Mr. Krueger discussed the internal services funding and budget, including the budget and treasury, financial services, human resources, and information systems.

In response to Council Member Hitchcock, Mr. Krueger stated the San Joaquin Partnership donation in the 8089 account was a misclassification.

In response to Council Member Hansen, Mr. Krueger stated he envisions the new position to handle the counter, provide relief for internal and external telephone calls, and assist with foot traffic in the front.

In response to Council Member Hansen, Mr. Krueger stated they will look into the internal level of service provided by Human Resources in filling positions.

In response to Council Member Hitchcock, Mr. Krueger provided an overview of the current and previous organizational make-up of the Finance Department and discussion ensued regarding the same. Council Member Hitchcock requested a copy of the previous Finance Department organizational charts. City Manager King stated the pay scales will also be provided and there is no net affect of the positions being reorganized.

Mayor Pro Tempore Mounce thanked staff for their efforts regarding her remote participation at a City Council meeting. She also encouraged staff to look into facility upgrades that may be available to allow for long-term remote participation at Planning Commission and City Council meetings.

In response to Council Member Hansen, Mr. Krueger stated a Human Resources Manager is a lower position with a lower salary than a Human Resources Director.

RECESS

At 8:31 p.m., Mayor Johnson called for a recess, and the City Council meeting reconvened at 8:40 p.m.

B. PUBLIC HEARINGS (Continued)

B-1 City Clerk

(Cont'd.)

City Clerk Johl provided a brief presentation regarding the proposed departmental budget.

In response to Council Member Hitchcock, Ms. Johl stated the Records Clerk II position, which replaced a secondary Deputy City Clerk position, meets the department's needs.

In response to Mayor Johnson, Ms. Johl stated, as it relates to Website improvements, the department is working only on the City Clerk and City Council pages.

City Attorney

City Attorney Schwabauer provided a brief presentation regarding the proposed departmental budget.

Non-Departmental

Deputy City Manager Krueger provided a presentation regarding the proposed non-departmental budget. Specific discussion included benefits, self-insurance, capital outlay, vehicle replacement, equipment fund, and debt service.

Council Member Hansen requested that information regarding Lodi Memorial Hospital, Blue Cross, and Public Employees Retirement System as it relates to employee deductibles be brought back to Council.

#### Redevelopment Agency

City Manager King provided a presentation regarding the proposed Agency budget.

In response to Mayor Johnson, City Manager King stated the \$300,000 amount was similar to the previously budgeted amount for redevelopment.

In response to Mayor Pro Tempore Mounce, Mr. King stated additional monies could be budgeted in the next budget cycle as the level of public involvement may be a variable.

In response to Mayor Johnson, Mr. King stated a committee is not required because there is no power of eminent domain through the Redevelopment Agency.

#### Budget and Finance Committee Recommendations

Council Member Hansen suggested future recommendations from the Budget and Finance Committee be provided directly to the Council by the Committee.

Deputy City Manager Krueger provided an overview of the Budget Committee Advisory recommendations to the City Manager. Specific topics of discussion included the energy cost adjustment, Parks and Recreation/Hutchins Street Square organizational review, code enforcement consolidation, financial system, mobile home rates, cable franchise fees, fleet replacement policies, economic development, community redevelopment agency, capital improvements, and deferred maintenance study, which was the only item the Committee collectively voted against.

In response to Mayor Pro Tempore Mounce, Mr. Krueger stated the vote was 2-2 and did not carry. Mr. King stated the vote pertained to the amount of money and staff required; not that the improvements did not need to be made.

In response to Council Member Hansen, Mr. Krueger stated in all cases the Committee's work was completed and a written report was provided. Council Member Hansen requested a copy of the report.

Several members of the Council requested minutes from all committees and commissions be provided on a regular basis to the City Council and a joint meeting with the Budget and Finance Committee be held in a manner similar to what is done with other committees and commissions.

#### **BUDGET ALTERNATIVES:**

##### Code Enforcement

City Manager King provided an overview of the proposed reorganization of the Code Enforcement Division from the Community Development Department to the Police Department. Mr. King stated there is no underlying monetary change to the general fund.

In response to Council Member Hansen, Police Chief Adams stated the three Code Enforcement positions, one of which is supervisory, would be under the support services division. He stated the current supervisors already work with Code Enforcement and staff is still working on the specifics of the uniforms.

Mayor Pro Tempore Mounce suggested the historical information related to Code Enforcement efforts on the east side of the City be preserved.



In response to Council Member Hitchcock, Chief Adams stated staff has contacted other cities that house their Code Enforcement under the Police Department and community oriented policing is a way of life in those communities.

In response to Mayor Pro Tempore Mounce, Chief Adams stated he anticipates the contact telephone numbers will remain the same.

#### Library Capital Project

City Manager King provided an overview of the proposed Phase I and II capital improvements for the library.

Discussion ensued between Council Member Hitchcock, Council Member Hansen, Library Services Director Martinez, and City Manager King regarding the need for safety oriented improvements and the heating, ventilation, and air conditioning (HVAC) system. Mr. King stated the library might be a good project for the one-time revenues that may be generated from property sales. He stated staff would be returning to Council with the Phase II recommendations and the HVAC system is the priority.

In response to Mayor Johnson, Mr. King stated the \$140,000 difference is covered and the HVAC system not functioning properly is the biggest challenge at this point.

#### Parks and Recreation / Hutchins Street Square

City Manager King provided an overview of a proposed consolidation, stating there is no funding involved at this time because staff is only seeking direction from Council as to whether or not to pursue options for a consolidation of the Parks and Recreation Department with Hutchins Street Square. He stated a consolidation may be feasible by the 2008-09 fiscal year.

In response to Council Member Hitchcock, Mr. King stated the process would include a six-month period to review and explore options, talk to various committees and clients, look at alternative organizational charts, and provide some recommendations to the City Council.

In response to Mayor Johnson, Mr. King stated they would name an interim director for the Parks and Recreation Department while reviewing consolidation options.

#### Hearing Opened to the Public

- John Johnson, representing the Lodi Budget and Finance Committee, provided a copy of the Committee's report to Council, stated the Committee was in favor of the proposed consolidation, and requested more participation with the City Council.
- Robert Emmer, representing the Library Board of Trustees, spoke in favor of the Council's support of the Library and requested continued assistance with the renovation project.

#### Public Portion of Hearing Closed

Council Member Hansen stated he is in favor of the third budget alternative regarding consolidation.

Mayor Pro Tempore Mounce stated she has a concern regarding the cash to accrual basis of accounting, but will support the budget.

Council Member Hitchcock stated she will support the budget, but requested additional information as stated previously regarding the organization of the Finance Department.

Mayor Johnson stated he will support the budget, but has some concerns regarding setting aside additional funds for reserves.

MOTION #2 / VOTE:

The City Council, on motion of Mayor Johnson, Hansen second, unanimously adopted Resolution No. 2007-94 adopting the fiscal year 2007-08 Operating and Capital Improvement Budget and further approving the fiscal year 2007-08 Appropriations Spending Limit.

MOTION #3 / VOTE:

The City of Lodi Redevelopment Agency, on motion of Chairperson Johnson, Hansen second, adopted Resolution No. RDA2007-01 appropriating \$300,000 for the community Redevelopment Agency as part of the fiscal year 2007-08 Operating and Capital Improvement Budget. The motion carried by the following vote:

Ayes: Agency Members – Hansen, Hitchcock, Katzakian, and Chairperson Johnson

Noes: Agency Members – Mounce

Absent: Agency Members – None

MOTION #4 / VOTE:

The City Council, on motion of Council Member Hansen, Mounce second, unanimously authorized the reorganization of the Code Enforcement Division from the Community Development Department to the Police Department.

MOTION #5 / VOTE:

The City Council, on motion of Council Member Hansen, Mounce second, unanimously approved the proposed Library capital improvements as recommended by the City Manager.

MOTION #6 / VOTE:

The City Council, on motion of Mayor Johnson, Hansen second, unanimously authorized staff to pursue options for consolidating the Parks and Recreation Department and Hutchins Street Square.

C. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 10:10 p.m.

ATTEST:

Randi Johl  
City Clerk

**CITY OF LODI  
SPECIAL INFORMAL INFORMATIONAL  
MEETING "SHIRTSLEEVE" SESSION  
WHITE SLOUGH WATER POLLUTION CONTROL  
FACILITY, 12751 NORTH THORNTON ROAD, LODI  
TUESDAY, JUNE 5, 2007**

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, June 5, 2007, commencing at 7:00 a.m.

**A. ROLL CALL**

Present: Council Members – Hansen, Hitchcock, Katzakian, Mounce, and Mayor Johnson  
Absent: Council Members – None  
Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

**B. TOPIC(S)**

B-1 "Tour of White Slough Water Pollution Control Facility located at 12751 N. Thornton Road"

Public Works Director Prima provided a brief presentation of the construction improvements at the White Slough Water Pollution Control Facility. Topics of discussion included the status of the construction project, financing, permit options, and the processes associated with treatment.

In response to Council Member Hansen, Mr. Prima stated staff recently received a new permit and the administrative draft was received a few weeks ago.

In response to Mayor Johnson, Mr. Prima provided an overview of the screening process for treatment purposes.

In response to Council Member Katzakian, Mr. Prima provided an overview of the sewer treatment process from beginning to end.

In response to Council Member Hitchcock, Mr. Prima stated the oxygen from the special fans and blowers allows the bugs to live.

In response to Myrna Wetzel, Mr. Prima stated staff conducts hundreds of tests throughout the entire treatment process. He also stated he was aware of the trend to test for pharmaceuticals.

In response to Mayor Johnson, Mr. Prima stated he does not anticipate any surprises by way of new regulations; although, salinity and land application studies are being conducted.

In response to Council Member Hansen, Mr. Prima stated it will take approximately 18 months for the improvements to be completed.

At the conclusion of the presentation, a tour of the facility ensued.

**C. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS**

None

**D. ADJOURNMENT**

No action was taken by the City Council. The meeting was adjourned at 8:18 a.m.

ATTEST:

Randi Johl, City Clerk

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, JUNE 6, 2007**

**C-1     CALL TO ORDER / ROLL CALL**

The City Council Closed Session meeting of June 6, 2007, was called to order by Mayor Johnson at 6:33 p.m.

Present: Council Members – Hansen, Hitchcock, Katzakian [excluding C-2 (a) and C-2 (b)],  
Mounce, and Mayor Johnson

Absent: Council Members – None

Also Present: Deputy City Manager Krueger, City Attorney Schwabauer, and City Clerk Johl

**C-2     ANNOUNCEMENT OF CLOSED SESSION**

a) Actual Litigation: Government Code §54956.9(a); One Case; *People of the State of California; and the City of Lodi, California v. M & P Investments, et al.*, United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM

b) Actual Litigation: Government Code §54956.9(a); One Case; *Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al.*, Superior Court, County of San Francisco, Case No. 323658

c) Conference with Blair King, City Manager, and Jim Krueger, Deputy City Manager (Acting Labor Negotiators), Regarding Professional Firefighters and Fire Mid-Managers Pursuant to Government Code §54957.6

**C-3     ADJOURN TO CLOSED SESSION**

At 6:33 p.m., Mayor Johnson adjourned the meeting to a Closed Session to discuss the above matters.

The Closed Session adjourned at 6:57 p.m.

**C-4     RETURN TO OPEN SESSION / DISCLOSURE OF ACTION**

At 7:04 p.m., Mayor Johnson reconvened the City Council meeting, and City Attorney Schwabauer disclosed the following actions.

Items C-2 (a) and C-2 (b) were settlement discussion only, and Item C-2 (c) was not discussed.

**A.     CALL TO ORDER / ROLL CALL**

The Regular City Council meeting of June 6, 2007, was called to order by Mayor Johnson at 7:04 p.m.

Present: Council Members – Hansen, Hitchcock, Katzakian, Mounce, and Mayor Johnson

Absent: Council Members – None

Also Present: Deputy City Manager Krueger, City Attorney Schwabauer, and City Clerk Johl

**B.     INVOCATION**

The invocation was given by Pastor Scott Hubbard, Crossroads Community Church.

**C.     PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Mayor Johnson.

**D.     AWARDS / PROCLAMATIONS / PRESENTATIONS**

D-1     Awards – None

D-2 (a) Mayor Johnson presented a proclamation to Lead Equipment Mechanic Levi Regadanz proclaiming the week of June 11 – 17, 2007, as “National Automotive Service Professionals Week” in the City of Lodi.

D-2 (b) Mayor Johnson presented a proclamation to U.S. Army Staff Sergeants Timothy Templeton and Richard McDaniel proclaiming the week of June 11 – 17, 2007, as “United States Army Week” in the City of Lodi.

D-3 Presentations – None

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E. CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, Council, on motion of Council Member Hitchcock, Mounce second, unanimously approved the following items hereinafter set forth **except those otherwise noted**:

E-1 Claims were approved in the amount of \$4,030,937.74.

E-2 “Approve Minutes of May 15, 2007 (Shirtsleeve Session), May 16, 2007 (Regular Meeting), May 22, 2007 (Shirtsleeve Session), and May 29, 2007 (Shirtsleeve Session)” was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar**.

E-3 Approved the plans and specifications and authorized advertisement for bids for restroom replacement improvements at Henry Graves Park, 2206 Oxford Way, and Beckman Park, 1426 Century Boulevard.

E-4 “Approve Specifications and Authorize Advertisement for Bids for Citywide School Safety Signage at Public and Private Schools” was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar**.

E-5 Approved the request for proposals for the City of Lodi Short-Range Transit Plan.

E-6 Approved the request for proposals and authorized advertisement for final design and construction of Municipal Service Center Transit Vehicle Maintenance Facility.

E-7 “Adopt Resolution Authorizing the Disposition of Fire Department Surplus Self-Contained Breathing Apparatus for Distribution to Other Agencies” was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar**.

E-8 Adopted Resolution No. 2007-95 awarding the purchase of wood utility poles to North Pacific Group, Inc., of Portland, Oregon, in the amount of \$27,156.23.

E-9 Adopted Resolution No. 2007-96 awarding the purchase of 76,500 feet of #477MCM bare aluminum conductor to Nexans HD Supply, of Portland, Oregon, in the amount of \$75,834.45.

E-10 Adopted Resolution No. 2007-97 awarding the purchase of 15kV Class indoor switchgear for the Killelea Substation Rehabilitation Project to Siemens Power T&D, c/o Honn Co., Inc., of Vacaville, California, in the amount of \$699,297.50.

E-11 Adopted Resolution No. 2007-98 awarding the contract for construction of the Killelea Substation Rehabilitation Project to Rosendin Electric, Inc., of San Jose, California, in the amount of \$2,921,801.

E-12 Adopted Resolution No. 2007-99 awarding the concession operations at Lodi Lake Park to Hot Diggity Dog, of Lodi, California, for the period of June 9, 2007 to December 31, 2009.

- E-13 Adopted Resolution No. 2007-100 awarding the contract for Maintenance of the Lodi Consolidated Landscape Maintenance Assessment District 2003-1 for Fiscal Year 2007-08 to Sunworld, of Sacramento, in the amount of \$24,446.
- E-14 Accepted the improvements under the "Well 27 Well Drilling at 2360 West Century Boulevard (DeBenedetti Park)" contract.
- E-15 Accepted the improvements under the "Standby Generator at Well 22" contract.
- E-16 Approved the Improvement Agreement for Public Improvements at 350 North Guild Avenue and directed the City Manager and City Clerk to execute the agreement on behalf of the City.
- E-17 "Adopt Resolution Approving a One-Year Extension of the Street Tree Trimming 2007 Contract with West Coast Arborists, Inc., of Stockton (\$34,220)" was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.**
- E-18 "Adopt Resolution Authorizing the City Manager to Extend the Contract with Trees, Inc., of Houston, Texas, for Tree Trimming for Power Line Clearance (\$420,000)" was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.**
- E-19 "Adopt Resolution Approving a Second One-Year Extension of the 2005-06 Annual Curb, Gutter, and Sidewalk Replacement Contract with Jeff Case Construction Company, of Lodi, for the 2007-08 Fiscal Year with a Three Percent Increase (\$73,336)" was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.**
- E-20 Adopted Resolution No. 2007-102 authorizing the City Manager to execute a professional services agreement with MIG, Inc., of Berkeley, for Lodi Avenue Design Guidelines/Preliminary Design; and appropriating \$80,000 for the project.
- E-21 "Adopt Resolution Approving a One-Year Extension of Lease of Maple Square, 2 East Lodi Avenue, for the Period of July 1, 2007 to June 30, 2008, to Alcoholics Anonymous" was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.**
- E-22 Adopted Resolution No. 2007-103 approving the Letter of Agency designating Northern California Power Agency as Lodi's agent for Congestion Revenue Rights and authorizing the Electric Utility Director to execute and administer the Letter of Agency.
- E-23 Adopted Resolution No. 2007-104 authorizing Change Order No. 1 to Public Works 800 MHz Radio Transmission Service contract with La Rue Communications, Inc., of Stockton, for transit radio service in the amount of \$20,000 over the three-year term.
- E-24 "Adopt Resolution Approving In-Street Pedestrian Crossing Signs at Marked School Crosswalk on Crescent Avenue at Tamarack Drive in Front of Nichols Elementary School with Funds Provided by Nichols School Parent Teacher Association" was **removed from the Consent Calendar and discussed and acted upon following approval of the Consent Calendar.**
- E-25 Canceled the July 4, 2007, Regular City Council Meeting.
- E-26 Adopted Resolution No. 2007-105 approving 3% cost of living increases for Confidential employees.
- E-27 Adopted Resolution No. 2007-106 for preliminary approval of the Engineer's Annual Levy Report and adopted Resolution No. 2007-107 declaring intention for the levy and collection of assessment for the Lodi Consolidated Landscape Maintenance Assessment District No. 2003-1; and set public hearing for July 18, 2007.

ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- E-2 “Approve Minutes of May 15, 2007 (Shirtsleeve Session), May 16, 2007 (Regular Meeting), May 22, 2007 (Shirtsleeve Session), and May 29, 2007 (Shirtsleeve Session)”

This item was pulled for further discussion by Mayor Pro Tempore Mounce.

MOTION:

Mayor Pro Tempore Mounce made a motion, Hitchcock second, to adopt revised May 16, 2007, minutes to include summarized comments by Mayor Pro Tempore Mounce regarding making PG&E rate discount per pad adjustments on an annual or biannual basis and support for upper management increases conditioned upon rank and file increases.

DISCUSSION:

In response to Council Member Hansen, Mayor Pro Tempore Mounce stated she is recommending amending the minutes to include what she previously said.

In response to Mayor Johnson, Mayor Pro Tempore Mounce stated she is recommending including a summary statement of her comments.

VOTE:

The above motion carried by the following vote:

Ayes: Council Members – Hitchcock, Hansen, Katzakian, and Mounce

Noes: Council Members – Mayor Johnson

Absent: Council Members – None

- E-4 “Approve Specifications and Authorize Advertisement for Bids for Citywide School Safety Signage at Public and Private Schools”

This item was pulled for further discussion by Council Member Hansen.

In response to Council Member Hansen, Mr. Prima stated sign placement will occur at every school that has a speed zone. Mr. Prima reviewed the diagram for sign placement, stating that, while there are federal and state requirements, the crosswalk signs are optional and have been added to the traffic manual.

Council Member Hansen suggested staff take a look at the new signs along Highway 12 toward Solano County to see if they may be feasible for school zones.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Mounce second, unanimously approved the specifications and authorized advertisement for bids for Citywide School Safety Signage at Public and Private Schools.

- E-7 “Adopt Resolution Authorizing the Disposition of Fire Department Surplus Self-Contained Breathing Apparatus for Distribution to Other Agencies”

This item was pulled for further discussion by Council Member Hitchcock.

In response to Council Member Hitchcock, Fire Chief Pretz stated the liability is limited because the equipment is used for training purposes, not actually firefighting, which is specified in the agreement. City Attorney Schwabauer stated he is comfortable with the liability, subject to a release provision in the agreement.

MOTION / VOTE:

The City Council, on motion of Council Member Hitchcock, Mounce second, unanimously adopted Resolution No. 2007-108 authorizing the disposition of Fire Department surplus self-contained breathing apparatus for distribution to other agencies, subject to the agencies signing of a liability waiver in a form acceptable to the City Attorney.

- E-17 "Adopt Resolution Approving a One-Year Extension of the Street Tree Trimming 2007 Contract with West Coast Arborists, Inc., of Stockton (\$34,220)"

This item was pulled for further discussion by Mayor Pro Tempore Mounce.

In response to Mayor Pro Tempore Mounce, Mr. Prima stated trimming does not occur on private property.

In response to Mayor Johnson, Mr. Prima stated power line trimming is different than general tree trimming, requiring expertise because strict regulations apply and different equipment is used.

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Mounce, Hansen second, unanimously adopted Resolution No. 2007-109 approving a one-year extension of the street Tree Trimming 2007 contract with West Coast Arborists, Inc., of Stockton, in the amount of \$34,220.

- E-18 "Adopt Resolution Authorizing the City Manager to Extend the Contract with Trees, Inc., of Houston, Texas, for Tree Trimming for Power Line Clearance (\$420,000)"

This item was pulled for further discussion by Mayor Pro Tempore Mounce.

In response to Mayor Pro Tempore Mounce, Electric Utility Director Morrow stated the standard noticing procedures include making contact, door hangars, and sometimes special permissions. Mr. Morrow indicated staff will look into the situation with the private contractor.

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Mounce, Hansen second, unanimously adopted Resolution No. 2007-101 authorizing the City Manager to extend the contract with Trees, Inc., of Houston, Texas, for tree trimming for power line clearance in the amount of \$420,000 and, with continued satisfactory performance, for fiscal year 2008-09.

- E-19 "Adopt Resolution Approving a Second One-Year Extension of the 2005-06 Annual Curb, Gutter, and Sidewalk Replacement Contract with Jeff Case Construction Company, of Lodi, for the 2007-08 Fiscal Year with a Three Percent Increase (\$73,336)"

This item was pulled for further discussion by Council Member Hitchcock.

In response to Council Member Hitchcock, Mr. Prima stated there is no specific policy regarding how long a contract can exist after the terms have been exhausted before the contract goes out to bid again. Mr. Krueger stated there is no policy regarding going beyond the terms of the contract; although, considerations may be low staffing levels in the purchasing division, the department's satisfaction with the contractor, and the cost adjustment appears reasonable.

MOTION / VOTE:

The City Council, on motion of Council Member Hitchcock, Johnson second, unanimously adopted Resolution No. 2007-110 approving a second one-year extension of the 2005-06 Annual Curb, Gutter, and Sidewalk Replacement contract with Jeff Case Construction Company, of Lodi, for the 2007-08 fiscal year with a 3% increase in the amount of \$73,336.

- E-21 "Adopt Resolution Approving a One-Year Extension of Lease of Maple Square, 2 East Lodi Avenue, for the Period of July 1, 2007 to June 30, 2008, to Alcoholics Anonymous"

This item was pulled for further discussion by Mayor Pro Tempore Mounce.



Mayor Pro Tempore Mounce thanked Alcoholics Anonymous for its continued service and leasing of the property.

Mayor Johnson stated he cannot support the item because he has been approached by other noteworthy organizations and believes the lease should be periodically reviewed. Council Members Hitchcock and Hansen suggested a policy and that a review of the lease at the end of the contract may be appropriate.

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Mounce, Hitchcock second, adopted Resolution No. 2007-111 approving a one-year extension of lease of Maple Square, 2 East Lodi Avenue, for the period of July 1, 2007 to June 30, 2008, to Alcoholics Anonymous. The motion carried by the following vote:

Ayes: Council Members – Hitchcock, Hansen, Katzakian, and Mounce

Noes: Council Members – Mayor Johnson

Absent: Council Members – None

- E-24 “Adopt Resolution Approving In-Street Pedestrian Crossing Signs at Marked School Crosswalk on Crescent Avenue at Tamarack Drive in Front of Nichols Elementary School with Funds Provided by Nichols School Parent Teacher Association”

This item was pulled for further discussion by Council Member Hitchcock.

Council Member Hitchcock thanked the parents of Nichols School for their efforts.

MOTION / VOTE:

The City Council, on motion of Council Member Hitchcock, Johnson second, unanimously adopted Resolution No. 2007-112 approving in-street pedestrian crossing signs at marked school crosswalk on Crescent Avenue at Tamarack Drive in front of Nichols Elementary School with funds provided by Nichols School Parent Teacher Association.

F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

G. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- Mayor Pro Tempore Mounce suggested researching cellular phone availability for seniors as illustrated in the program documentation provided by Myrna Wetzel.
- Council Member Hitchcock reported on her attendance at the Art on the Square event and congratulated staff on a successful event.
- Council Member Hansen reported on his attendance at the Affordable Housing Proposal Review Committee meeting, during which a site visit was conducted of Fremont and Union City projects.
- Mayor Johnson suggested the pool heater at Blakely Park be agendized for the next meeting. Mr. Krueger confirmed that the matter was scheduled for the June 20 meeting.

H. COMMENTS BY THE CITY MANAGER ON NON-AGENDA ITEMS

- Deputy City Manager Krueger and Community Development Director Hatch introduced the new Building Official, Dennis Canright.

I. PUBLIC HEARINGS

- I-1 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Johnson called for the public hearing to consider adopting a resolution adjusting Consumer Price Index-based water and wastewater rates. Public Works Director Prima provided an overview of the 3.44% across the board increase and the history of increases for water and wastewater rates from 1991 to 2007.

In response to Mayor Pro Tempore Mounce, Mr. Prima stated the Council policy regarding water meter installations stated that property owners pay the cost of the installations, whatever they may be. Mr. Prima stated that the monthly infrastructure charge would not necessarily go down because that charge pays for a variety of services including various upgrades.

In response to Council Member Hitchcock, Mr. Prima stated the increase for a typical three-bedroom home is \$0.94. He stated the new rates are \$20.75 base rate and \$7.54 infrastructure rate.

Hearing Opened to the Public

None.

Public Portion of Hearing Closed

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Hitchcock second, adopted Resolution No. 2007-113 adjusting the Consumer Price Index-based water and wastewater rates. The motion carried by the following vote:

Ayes: Council Members – Hitchcock, Hansen, Katzakian, and Mayor Johnson

Noes: Council Members – Mounce

Absent: Council Members – None

J. COMMUNICATIONS

- J-1 Claims Filed Against the City of Lodi – None

- J-2 (a) “Appointments to the Lodi Arts Commission, Library Board of Trustees, and Planning Commission and Post for One Remaining Vacancy on the Lodi Arts Commission”

Council Member Hitchcock requested separate motions on the appointments. She also stated she had concerns regarding the appointment of two new Planning Commission members in the middle of the General Plan amendment and the loss of institutional knowledge.

Mayor Pro Tempore Mounce stated she echoed the comments of Council Member Hitchcock and was concerned about diversity on the Planning Commission.

MOTION #1 / VOTE:

The City Council, on motion of Council Member Hitchcock, Mounce second, unanimously made the following appointments:

Lodi Arts Commission

Laura Heinitz	Term to expire July 1, 2010
Margie Lawson	Term to expire July 1, 2010
Beverly Norcross	Term to expire July 1, 2010

MOTION #2 / VOTE:

The City Council, on motion of Council Member Hansen, Mounce second, unanimously made the following appointments:

Library Board of Trustees

George Neely Term to expire June 30, 2010

MOTION #3 / VOTE:

The City Council, on motion of Mayor Johnson, Hansen second, made the following appointments by the vote shown below:

Ayes: Council Members – Hansen, Katzakian, and Mayor Johnson

Noes: Council Members – Hitchcock and Mounce

Absent: Council Members – None

Planning Commission

Dave Kirsten Term to expire June 30, 2011

Steve Hennecke Term to expire June 30, 2011

MOTION #4 / VOTE:

The City Council, on motion of Council Member Hansen, Johnson second, unanimously directed the City Clerk to post for the following remaining vacancy on the Lodi Arts Commission:

Lodi Arts Commission

One Vacancy Term to expire July 1, 2008

J-3 Miscellaneous – None

RECESS

At 8:14 p.m., Mayor Johnson called for a recess, and the City Council meeting reconvened at 8:23 p.m.

K. REGULAR CALENDAR

K-1 “Presentation of Lodi Campus Master Plan by San Joaquin Delta College and Consider Negotiation of a Development Agreement”

Delta College Board President Maria Elena Serna provided general introductory remarks regarding the vision of the proposed project.

A PowerPoint presentation discussing the proposed project was jointly provided by Superintendent/President Raúl Rodríguez, Assistant Superintendent/Vice President Della Condon, Vice President of Business Services W. Andrew Dunn, Director of Facilities Planning & Management Maria Baker, Tim Haley of Carter Burgess, Carlene Nolan Pederson of Carter Burgess, Bond Program Manager Bob Bush, and Bond Administrative Services Manager Ed Heffernan. Specific topics of discussion included, but were not limited to, district planning goals, campus programs, evolution of the plan, current conceptual plan, town centers, entries and gateways, pathways, main campus roadway edges, building types, conceptual sketches, and campus development.

In response to Council Member Hitchcock, Dr. Rodríguez and Mr. Dunn stated the 43% increase in figures is likely due to using a conservative estimate, construction costs for labor and supplies, general inflation and cost of living, economy, and Hurricane Katrina.

In response to Council Member Hansen, Dr. Rodriguez stated other districts that passed their bonds before or at the same time as Delta College are just now starting projects and a second round of bonds was consistently passed through many of the districts in the state.

In response to Mayor Pro Tempore Mounce, Dr. Rodriguez stated he will provide the specific percentage numbers of the contingency that was built in at a later date.

In response to Council Member Hansen, Dr. Condon stated the middle college curriculum program incorporates community involvement and, with the Lodi Unified School District partnership, is a very successful program.

In response to Council Member Hitchcock, Mr. Haley described the various color schemes shown on the plans, including the rivers, plains, college zone, discussion, commercial, residential, and wetlands.

In response to Council Member Hitchcock, Mr. Haley stated the benefits of shared costs include roads and utilities and he does not have details about housing at the current time.

Discussion ensued between Council Member Hitchcock and Mr. Krueger regarding the particulars of the development agreement, which will be incorporated at later date.

In response to Mayor Pro Tempore Mounce, Community Development Director Hatch stated the City has three out of four General Plan amendments left for the current calendar year. He stated the decision to proceed with the project or await the General Plan amendment is a policy question, but he has seen similar projects with unique opportunities proceed regardless of amendments.

Mayor Pro Tempore Mounce requested a copy of the list of individuals in the community that were contacted about the project.

Discussion ensued between Mayor Johnson, Council Member Hitchcock, and Mayor Pro Tempore Mounce regarding the specific matter that is before the Council currently and the need for two Council Members to work with the City Manager on the development agreement.

In response to Council Member Hitchcock, Ms. Pederson stated the academic village will be owned by the campus and provide a hands-on experience for students.

In response to Mayor Pro Tempore Mounce, Ms. Pederson stated the restaurant may be similar to the one available at the Delta College campus in Stockton.

In response to Mayor Pro Tempore Mounce, Ms. Pederson stated the square in the center not owned by the campus will likely remain residential.

In response to Mayor Pro Tempore Mounce, Ms. Pederson stated housing options, including options for seniors, are still being reviewed.

President Serna provided general closing comments and encouraged continued Council support with the project.

In response to Council Member Hitchcock, Dr. Rodriguez stated they plan to purchase the property in December 2008, if not earlier, consolidate currently offered classes, start with portables in 2010, and get in line for state funding for the permanent building and infrastructure for the academic village shortly thereafter. He stated there are no commitments to timelines as of yet.

In response to Council Member Hitchcock, Dr. Rodriguez stated there are no agreements in place with developers at this time.

In response to Mayor Pro Tempore Mounce, Dr. Rodriguez stated the former Blue Shield site was cost prohibitive due to remodeling needs.

PUBLIC COMMENTS:

- Pat Patrick, Executive Director of the Chamber of Commerce, spoke in favor of the proposed project, stating the project will be beneficial because of higher education, jobs, and business opportunities.

Council Member Hitchcock expressed an interest in assisting the City Manager with the development agreement.

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Mounce, Johnson second, unanimously designated Mayor Johnson and Council Member Hansen to assist the City Manager with negotiation of a Development Agreement.

RECESS

At 9:37 p.m., Mayor Johnson called for a recess, and the City Council meeting reconvened at 9:42 p.m.

K. REGULAR CALENDAR (Continued)

K-2 "Consideration of the Status of the Animal Shelter Task Force"

Deputy City Manager Krueger provided a brief overview of the status of the Animal Shelter Task Force.

Linda Castelanelli, a current Task Force member, stated the overall goal was to make Lodi a "no kill" city and was in favor of the formation of a more permanent body.

Mayor Pro Tempore Mounce stated she was in support of setting up a commission similar to the Parks and Recreation Commission.

Council Member Hansen thanked the current members for their service.

Council Member Hitchcock stated she was concerned with the permanent nature of the group through a commission and suggested a committee may be more appropriate.

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Mounce, Johnson second, directed staff to return to Council with appropriate action to dissolve the Animal Shelter Task Force and create the Lodi Animal Shelter Advisory Commission to include information pertaining to membership, terms, meetings, purpose, etc. The motion carried by the following vote:

Ayes: Council Members – Hansen, Katzakian, Mounce, and Mayor Johnson

Noes: Council Members – Hitchcock

Absent: Council Members – None

K-3 "Approve Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental Abatement Program Litigation and Various Other Cases Being Handled by Outside Counsel (\$254,563.27)"

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Mounce, Johnson second, unanimously approved the expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation and various other cases being handled by outside counsel in the amount of \$254,563.27, as detailed below:

**Folger Levin & Kahn - Invoices Distribution**

Matter No.	Invoice No.	Date	Description	Water Account Amount
8002	101577	3/31/2007	People v. M&P Investments	\$ 41,453.42
			City Attorney Adjustment	-1,500.00
8003	101584	3/31/2007	Hartford Insurance Coverage Litigation	\$175,917.90
			Contingency Fee Amount Savings	-125,917.90
8008	101578	3/31/2007	City of Lodi v. Envision Law Group	\$ 78,008.47
			City Attorney Adjustment	-1,000.00
	6675	1/31/2007	West Environmental (Peter Krasnoff)	\$ 24,942.01
	6760	2/28/2007	West Environmental (Peter Krasnoff)	\$ 3,792.50
		4/16/2007	Perry L. McCarty, Expert	\$ 450.00
	6908	3/31/2007	West Environmental (Peter Krasnoff)	\$ 14,245.01
	14778	4/29/2007	PES Environmental (Keith Obrien)	\$ 19,716.39
<b>Total</b>				<b>\$230,107.80</b>

**Kronick Moskovitz Tiedemann & Girard - Invoices Distribution**

Matter No.	Invoice No.	Date	Description	100351.7323
1211.182				
11233.001	232393	04/25/2007	General Advice	\$ 599.76
11233.026	232393		Lodi First v. City of Lodi	\$ 1,666.60
11233.027	232393		Citizens for Open	\$ 133.50
			Government v. City of Lodi	
11233.029	232393		AT&T v. City of Lodi	\$ 4,934.86
11233.032	232393		CFD Formation	\$ 1,945.93
<b>Total</b>				<b>\$ 7,334.72 \$ 1,945.93</b>

**MISCELLANEOUS**

Invoice No.	Date	Description	Water Account Amount
06-373888-LDK	9/06-4/07	ADR Services, Inc. (Hartford v. COL)	\$ 2,553.13
325946	1/17/2007	Barkley Court Reporters	\$ 843.31
870701	4/12/2007	Harry A. Cannon, Inc.	\$ 1,149.27
68051ESF	1/22/2007	Esquire Deposition Services	\$ 821.30
20062587	3/30/2007	Legalink, Inc.	\$ 367.00
20063722	4/17/2007	Legalink, Inc.	\$ 679.00
20063740	4/18/2007	Legalink, Inc.	\$ 688.50
20063754	4/27/2007	Legalink, Inc.	\$ 880.00
20064380	4/26/2007	Legalink, Inc.	\$ 849.50
20064371	4/27/2007	Legalink, Inc.	\$ 474.00
07SF50959	5/09/2007	Document Services Unlimited	\$ 369.81
<b>Total</b>			<b>\$ 9,674.82</b>

**JAMS Mediation Services**

			Water Account
0001278713-110	3/30/2007	People v. M&P Investments	\$ 5,500.00
<b>Total</b>			<b>\$ 5,500.00</b>

K-4 "Consideration of Proposal Regarding San Joaquin Regional Dive and Recovery Team upon Request by Mayor Pro Tempore Mounce"

Mayor Pro Tempore Mounce stated she requested the item be agendized because she feels it is a worthy effort for the City's support.

Gene Davenport provided an overview of the proposal regarding forming a Countywide dive and recovery team (DART) similar to that in Sacramento through an all volunteer force with County funding for the first year.

In response to Mayor Pro Tempore Mounce, Mr. Davenport stated Stockton would like to participate, but it has not done so officially at this time. He also stated the Stockton Port has donated dock space, but it is still in need of funding and endorsements to get the project up and running.

In response to Council Member Hansen, Mr. Davenport stated the Sheriff's office does have a dive team, but it is not permitted to go beyond 20 feet. Mr. Davenport stated the County has expressed support, but it has not officially contributed funds at this time.

In response to Council Member Hansen, City Attorney Schwabauer stated there should be no legal issues if the contribution is made to the Sheriff's Foundation, a 501(c)3 organization, as indicated by Mr. Davenport.

In response to Council Member Hitchcock, Mr. Davenport stated that if a call was to go out for a recovery exceeding the 20 feet, Sacramento County DART would likely be called currently.

In response to Council Member Katzakian, Mr. Davenport stated Sacramento DART has been in place for over 20 years and is self-funded.

Mayor Johnson stated he is concerned with the cost to cities and the County for backfilling positions and would like to see a marriage of this type of service with agencies who already provide similar services.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Mounce second, authorized expenditure of \$500 toward DART, contingent upon the County providing financial support for the project first and receipt of an accounting of the funds. The motion carried by the following vote:

Ayes: Council Members – Hansen, Hitchcock, Katzakian, and Mounce

Noes: Council Members – Mayor Johnson

Absent: Council Members – None

- K-5 "Request from San Joaquin Partnership, the Business Council, and University of Pacific for Financial Support to Establish an "Angel Capital Fund," Suggested Contribution of \$10,000"

Mayor Johnson provided a general overview of the item.

Council Member Hitchcock stated she cannot support the matter because she does not believe the City will benefit from high-risk venture capitalism.

In response to Council Member Katzakian, Mr. Krueger stated the money in these types of investments is usually paid back.

In response to Mayor Pro Tempore Mounce, Mr. Krueger stated Community Development Block Grant funding is targeted toward expansion and key applicants, which is different from seed money being used in a venture capital approach. Mayor Pro Tempore Mounce stated she may be able to support the item for \$5,000, but not for \$10,000.

City Attorney Schwabauer stated he would like to make it clear that the City has no expectation of receiving this money back as it would be a contribution to the San Joaquin Partnership to assist it with its creation of the infrastructure for the program.

In response to Mayor Pro Tempore Mounce, Mr. Krueger stated the money is not budgeted for, but they could likely find funding for the contribution if the Council supported the same.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Katzakian second, authorized the expenditure of \$10,000 as financial support to establish the Angel Capital Fund. The motion carried by the following vote:

Ayes: Council Members – Hansen, Katzakian, and Mayor Johnson

Noes: Council Members – Hitchcock and Mounce

Absent: Council Members – None

L. ORDINANCES

- L-1 Following reading of the title of Ordinance No. 1798 entitled, "An Ordinance of the Lodi City Council Amending Chapter 13.20, 'Electrical Service,' by Repealing and Reenacting Section 13.20.210, Schedule EM, Relating to Mobile Home Park Service Rates," having been introduced at a regular meeting of the Lodi City Council held May 16, 2007, the City Council, on motion of Council Member Hitchcock, Hansen second, waived reading of the ordinance in full and adopted and ordered it to print by the following vote:

Ayes: Council Members – Hansen, Hitchcock, Katzakian, Mounce, and  
Mayor Johnson

Noes: Council Members – None

Absent: Council Members – None

Abstain: Council Members – None

- L-2 Following reading of the title of Ordinance No. 1799 entitled, "An Ordinance of the Lodi City Council Amending Lodi Municipal Code Chapter 13.20, 'Electrical Service,' by Repealing Section 13.20.175, Schedule MCA – Market Cost Adjustment, and Enacting New Section 13.20.175, Schedule ECA – Energy Cost Adjustment," having been introduced at a regular meeting of the Lodi City Council held May 16, 2007, the City Council, on motion of Council Member Hitchcock, Hansen second, waived reading of the ordinance in full and adopted and ordered it to print by the following vote:

Ayes: Council Members – Hansen, Hitchcock, Katzakian, and Mayor Johnson

Noes: Council Members – Mounce

Absent: Council Members – None

Abstain: Council Members – None

M. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 10:42 p.m.

ATTEST:

Randi Johl  
City Clerk



**CITY OF LODI  
 INFORMAL INFORMATIONAL MEETING  
 "SHIRTSLEEVE" SESSION  
 CARNEGIE FORUM, 305 WEST PINE STREET  
 TUESDAY, JUNE 12, 2007**

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, June 12, 2007, commencing at 7:01 a.m.

**A. ROLL CALL**

Present: Council Members – Hansen, Hitchcock, Katzakian, and Mayor Johnson  
 Absent: Council Members – Mounce  
 Also Present: Deputy City Manager Krueger, Deputy City Attorney Magdich, and City Clerk Johl

**B. TOPIC(S)**

**B-1 "Update on White Slough Permit"**

Deputy City Manager Krueger and Public Works Director Prima briefly introduced the subject matter.

West Yost representative, Kathryn Gies, provided a presentation regarding the status of the National Pollutant Discharge Elimination System permit. Specific topics of discussion included permit process overview, new permit requirements, constituents of concern, aluminum and compliance, chlorodibromomethane and dichlorobromomethane and compliance, nitrogen and compliance, salinity and compliance, mercury and compliance, flow increase, monitoring requirements, Title 22 requirements, studies, biosolid requirements, land application area requirements, and storage lagoon requirements.

Public Works Director Prima provided closing comments regarding the political side of regulations, 7 million gallons per day (MGD), airborne regulations, and biosolids application.

In response to Council Member Hansen, Ms. Gies stated every discharger does have to comply with ammonia requirements, which are based generally on pH levels in the water. She stated the City may want to contest this because the City's requirements are based on the Delta pH levels.

In response to Council Member Hansen, Ms. Gies stated contesting may delay the permit process because it may be remanded to staff for further work through either the State or Regional Boards.

In response to Mayor Johnson, Ms. Gies stated going through the appeal process may be worth it because the Regional Board is not necessarily clamping down through regulations and several agencies are contesting.

In response to Council Member Hansen, Ms. Gies stated the term of the permit is five years; although, it may expire and be administratively extended by staff, which may take it to seven years.

In response to Council Member Hansen, Ms. Gies stated the likely reason mercury compliance is not handled by the State is because it does not have the proper mechanism in place, funding or otherwise. She also stated there is a recent court case regarding mandating requirements without funding.

In response to Council Member Hansen, Ms. Gies stated compliance will be an ongoing effort because the requirements are generally for the term of the permit and new requirements may come with a new permit.

In response to Mayor Johnson, Ms. Gies stated the agreement with the agricultural community may need to be modified to ensure farming practices incorporate the biosolid land application requirement of three hours.

In response to Council Member Hansen, Ms. Gies stated that, while she is not sure why the three hour time frame was chosen, crops are important because of their nitrogen yield and alternatives to the land application may be available.

In response to Mayor Johnson, Ms. Gies stated she is not sure if land application will still be needed in 15 years, but options may be available so that it is not needed.

In response to Council Member Hansen, Mr. Prima stated no one really has an idea of what the financial offset program will look like at this time, but staff will bring that information to Council when it comes forth.

In response to Council Member Hansen, Mr. Prima stated it would not be cost effective for the City to do as Sacramento County is doing in recycling and selling fertilizer on a grander scale, but Sacramento County may be interested in working with the City.

In response to Council Member Hansen, Mr. Prima stated the cost of the studies is not built into the fund, but it may be available from the capital program.

In response to Council Member Katzakian, Mr. Prima stated the monthly service charge from Flag City will cover the operational costs with a little extra.

In response to Council Member Hitchcock, Mr. Prima stated Flag City is paying its share of necessary updates through one-time capacity fees and the construction costs on top of those amounts. He stated that Flag City can be no more stringent than the City's permit with the State.

In response to Council Member Hitchcock, Mr. Prima stated the City does have the ability to control the levels of salinity received from Flag City into the City's system.

In response to Council Member Hitchcock, Ms. Gies stated the City is in front of other agencies in dealing with the permit issues because it already has the filters and is working on controlling the constituents. Ms. Gies stated this is advantageous to the City because everyone has to deal with the same requirements at some point and the Regional Board staff views this as proactive. She also stated that the specifics regarding the constituents themselves come from the Environmental Protection Agency; not the State.

In response to Council Member Hitchcock, Ms. Gies stated the most common practice amongst agencies is to discharge into some form of water, whether it is the Delta or a drain, and recycling is becoming very big.

In response to Council Member Hitchcock, Ms. Gies stated the current 7 MGD permit will increase to 8.5 MGD when the new construction project is completed. Ms. Gies confirmed this would provide an additional 2.1 MGD before more growth, not including the Flag City amount which is .3 MGD. Ms. Gies stated the estimated date for the 8.5 MGD is summer 2009. She also stated mercury can come from a variety of sources including fluorescent lighting and dentistry and public outreach is an important component of controlling the levels to the best of our ability.

In response to Council Member Hitchcock, Ms. Gies stated the only factors she can envision reducing the overall capacity for 8.5 MGD is ammonia and aeration level.

In response to Council Member Katzakian, Mr. Prima stated that, so long as the City continues to process more internally while discharging less, it is fine.

**C. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS**

None

**D. ADJOURNMENT**

No action was taken by the City Council. The meeting was adjourned at 8:30 a.m.

ATTEST: Randi Johl, City Clerk

**LODI CITY COUNCIL  
SPECIAL JOINT CITY COUNCIL MEETING  
WITH THE LODI PLANNING COMMISSION  
HUTCHINS STREET SQUARE, KIRST HALL  
125 SOUTH HUTCHINS STREET, LODI  
WEDNESDAY, JUNE 13, 2007**

**A. CALL TO ORDER / ROLL CALL**

The Special Joint City Council meeting with the Lodi Planning Commission of June 13, 2007, was called to order by Mayor Johnson at 6:36 p.m.

Present: Council Members – Hansen, Hitchcock, Mounce, and Mayor Johnson

Absent: Council Members – Katzakian

Present: Planning Commissioners – Cummins, Heinitz, Kiser, Mattheis, Moran, and  
Chairperson Kuehne

Absent: Planning Commissioners – White

Also Present: Deputy City Manager Krueger, City Attorney Schwabauer, and City Clerk Johl

**B. TOPIC(S)**

B-1 “Lodi General Plan Update – Community Workshop #1”

Community Development Director Hatch provided a brief introduction to the workshop.

Consultant Rajeev Bhatia, of Dyatt and Bhatia, provided a presentation for the community workshop. Specific topics of discussion included workshop objectives, workshop agenda, General Plan purpose, requirements, required elements and options, four-phase work program, public participation, City strengths, planning area description, background papers, maps and trends for growth, land use, jobs, and employment.

Mr. Bhatia led the community participants through two tabletop exercises, and results of the same were shared.

**C. ADJOURNMENT**

There being no further business to come before the City Council, the meeting was adjourned at 8:30 p.m.

ATTEST:

Randi Johl  
City Clerk



## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Adopt resolution authorizing sole source purchase and installation of swimming pool heater (\$28,899.61) and sand filter system (\$25,600.30) for Enze Pool at Blakely Park, 1050 S. Stockton Street to Knorr System, Inc. of Santa Clara, CA, and appropriate proceeds from the sale of surplus property (\$40,402.00) and an additional \$14,097.90 to cover the cost of this purchase

**MEETING DATE:** June 20, 2007

**PREPARED BY:** Parks and Recreation Director

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**RECOMMENDED ACTION:** Adopt resolution authorizing sole source purchase and installation of swimming pool heater (\$28,899.61) and sand filter system (\$25,600.30) for Enze Pool at Blakely Park, 1050 S. Stockton Street to Knorr System, Inc. of Santa Clara, CA, and appropriate proceeds from the sale of surplus property (\$40,402.00) and an additional \$14,097.90 to cover the cost of this purchase.

**BACKGROUND INFORMATION:** Staff has been experiencing costly and time consuming repairs to the Enze pool heater and sand filter system. Staff has had a number of pool technicians evaluate the system problems. At this time several components are beyond repair and must be replaced.

From staff research we have determined that new pool heater technology is available, allowing the unit to work 89% more efficiently and economically. Staff is working closely with PG&E in an effort to obtain some level of rebate related to this gas heater project.

The existing sand filtration system is allowing excessive sand back into Enze pool. With the filtration system not working effectively, water quality could become an issue. Today's high rate sand filtration systems can provide very efficient and effective sanitization.

A sole source purchase allows staff to deal with the California distributor of the preferred pool heater and sand filtration system for this project. Knorr System of Santa Clara, CA, can provide the components, materials and labor to complete this in a timely matter and with limited disruption to our current operating aquatic programs.

The proceeds from the sale of surplus property (basketball hardwood floor at the Grape Festival Complex) are available to appropriate for this use. Staff recommends using a sole source purchase of the needed equipment and use of the proceeds from hardwood floor sale for this expenditure.

**FISCAL IMPACT:** This replacement equipment will measurably reduce the annual maintenance costs by approximately \$11,000.

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**APPROVED:** \_\_\_\_\_  
Blair King, City Manager

*Adopt resolution authorizing sole source purchase and installation of swimming pool heater (\$28,899.61) and sand filter system (\$25,600.30) for Enze Pool at Blakely Park, 1050 S. Stockton Street to Knorr System, Inc. of Santa Clara, CA, and appropriate proceeds from the sale of surplus property (\$40,402.00) and an additional \$14,097.90 to cover the cost of this purchase*  
June 20, 2007  
Page 2

<b>FUNDING AVAILABLE:</b>	Appropriate proceeds from City property	\$40,402.00
	Appropriate additional amount from Fund Balance	<u>\$14,097.90</u>
	Total Allocation	\$54,499.90

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Kirk Evans, Budget Manager

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Tony C. Goehring  
Parks and Recreation Director

Prepared by Steve Dutra, Park Superintendent

TCG\SD:tl

cc: City Attorney

RESOLUTION NO. 2007-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING THE SOLE-SOURCE PURCHASE AND INSTALLATION OF SWIMMING POOL HEATER AND SAND FILTER FOR ENZE POOL AT BLAKELY PARK, 1050 S. STOCKTON STREET; AND FURTHER APPROPRIATE PROCEEDS FROM THE SALE OF SURPLUS PROPERTY AND AN ADDITIONAL AMOUNT TO COVER THE COST OF THIS PURCHASE

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WHEREAS, Lodi Municipal Code §3.20.070 authorizes dispensing with bids for purchases of supplies, services, or equipment when it is in the best interest of the City to do so; and

WHEREAS, the existing sand filtration system at Enze pool is not working effectively, and is allowing excessive sand back into the pool, which could lead to a water quality issue; and

WHEREAS, both the pool heater and sand filter system has been experiencing costly and time consuming repairs, and several components are beyond repair and must be replaced; and

WHEREAS, staff has researched and determined that new pool heater technology is available which will allow the unit to work 89% more efficiently and economically, and staff is working closely with PG&E in an effort to obtain some level of rebate related to this gas heater project; and

WHEREAS, a sole source purchase allows staff to deal directly with the California distributor of the preferred pool heater (\$28,899.61) and sand filtration system (\$25,600.30) for this project, Knorr System of Santa Clara, CA, who can provide the components, materials and labor to complete this in a timely matter and with limited disruption to our current operating aquatic programs; and

WHEREAS, staff recommends using a sole source purchase of this equipment, and further recommends utilizing the proceeds from the sale of surplus property (basketball hardwood floor at the Grape Festival Complex - \$40,402.00), and an additional amount of \$14,097.90 for this expenditure.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby authorizes the sole source purchase and installation of the Enze Pool swimming pool heater (\$28,899.61) and sand filter system (\$25,600.30) at Blakely Park, 1050 S. Stockton Street from Knorr System, Inc. of Santa Clara, California; and

BE IT FURTHER RESOLVED, that the Lodi City Council hereby appropriates the proceeds from the sale of surplus property (basketball hardwood floor at the Grape Festival Complex in the amount of \$40,402.00, and an additional \$14,097.90 from the Fund balance to cover the cost of this purchase.

Dated: June 20, 2007

=====

I hereby certify that Resolution No. 2007-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 20, 2007, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL  
City Clerk

2007-\_\_\_\_\_



## CITY OF LODI COUNCIL COMMUNICATION

TM

**AGENDA TITLE:** Accept improvements under contract for the Blakely Park "South" Pool Deck Improvements, 1050 S. Stockton Street

**MEETING DATE:** June 20, 2007

**PREPARED BY:** Parks and Recreation Director

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**RECOMMENDED ACTION:** Accept improvements under contract for the Blakely Park "South" Pool Deck Improvements, 1050 S. Stockton Street.

**BACKGROUND INFORMATION:** The project was awarded to 100% Concrete, Inc., of Lathrop on March 21, 2007, in the amount of \$71,420.00. The contract has been completed in substantial conformance with the plans and specifications approved by City Council. The contract completion date was May 25, 2007.

Following acceptance by the City Council, as required by law, the Park Superintendent will file a Notice of Completion with the County Recorder's office. The notice serves to notify vendors and subcontractors that the project is complete and begins their 30-day period to file a stop notice requiring the City to withhold payments from the prime contractor in the event of a payment dispute.

**FISCAL IMPACT:** There is no direct impact to the Parks and Recreation Department budget for the installation of the new polymer concrete finish. Community Development Block Grant funds will be supporting the installation of this project in its entirety.

**FUNDING:** Community Development Block Grant Allocation: \$100,000.00

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Kirk Evans, Budget Manager

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Tony C. Goehring  
Parks and Recreation Director

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Joseph Wood  
Community Improvement Manager

Prepared by Steve Virrey, Park Project Coordinator

TCG\SV:tl  
cc: City Attorney  
Steve Dutra, Park Superintendent  
Wes Fujitani, Sr. Civil Engineer  
Joseph Wood, Community Improvement Manager  
Kirk Evans, Budget Manager

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**APPROVED:** \_\_\_\_\_  
Blair King, City Manager





## **CITY OF LODI COUNCIL COMMUNICATION**

TM

**AGENDA TITLE:** Adopt resolution accepting improvements under contract for roof replacements at Legion Park, 835 S. Hutchins Street and Kofu Park, 1145 S. Ham Lane

**MEETING DATE:** June 20, 2007

**PREPARED BY:** Parks and Recreation Director

---

**RECOMMENDED ACTION:** Adopt a resolution accepting the improvements under contract for roof replacements at Legion Park, 835 S. Hutchins Street and Kofu Park, 1145 S. Ham Lane.

**BACKGROUND INFORMATION:** The project was awarded to Diede Construction, of Woodbridge, CA on January 3, 2007, in the amount of \$121,128.66. The contract has been completed in substantial conformance with the plans and specifications approved by City Council.

The Legion Community Building work consisted of removal and disposal of the existing flat roof structure, existing steel support columns and flat roof deck overhangs. New work included; wood framing of a pitched roof and installation of a standing seam finished roof, electrical, heating ventilation and air conditioning, plumbing, concrete rough and finish carpentry. The Kofu Community Building work consisted of removal and disposal of the existing shake roof material, and roofing paper from the existing structure. New work included; dry rot replacement, and installation of a new composition roof system.

The contract completion date was May 25, 2007. The final contract price was \$129,225.66. The difference between the contract amount and final contract price is due to three change orders which addressed Americans with Disabilities Act requirements within the Legion Park restrooms.

Following acceptance by the City Council, as required by law, the Park Superintendent will file a Notice of Completion with the County Recorder's office. The Notice serves to notify vendors and subcontractors that the project is complete and begins their 30-day period to file a stop notice requiring the City to withhold payments from the prime contractor in the event of a payment dispute.

**FISCAL IMPACT:** There is no direct impact to the Parks and Recreation Department budget for the installation of the new roof projects. The 2000 Park Bond Act Per Capita Grant program supported the installation of these projects in their entirety.

---

APPROVED: \_\_\_\_\_  
Blair King, City Manager

<b>FUNDING:</b>	2000 Park Bond Act Per Capita Grant Allocation:	
	• Legion Park Allocation:	\$ 83,903.00
	• Kofu Park Allocation:	\$ 46,640.00
	<b>TOTAL ALLOCATED</b>	<b>\$130,543.00</b>

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Kirk Evans, Budget Manager

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Tony C. Goehring  
Parks and Recreation Director

Prepared by Steve Virrey, Park Project Coordinator

TCGSV:tl

cc: City Attorney  
Steve Dutra, Park Superintendent  
Wes Fujitani, Sr. Civil Engineer  
Kirk Evans, Budget Manager

RESOLUTION NO. 2007-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL  
ACCEPTING THE IMPROVEMENTS FOR THE ROOF  
REPLACEMENTS AT LEGION PARK, 835 S. HUTCHINS  
STREET AND KOFU PARK, 1145 S. HAM LANE, AND  
DIRECTING THE PARK SUPERINTENDENT TO FILE A  
NOTICE OF COMPLETION WITH THE COUNTY  
RECORDER'S OFFICE

=====

The City Council of the City of Lodi finds:

1. That all requirements of the contract between the City of Lodi and Diede Construction of Woodbridge, California, for the improvements for roof replacements at Legion Park, 835 S. Hutchins Street and Kofu Park, 1145 S. Ham Lane, have been substantially complied with. The contract completion date is May 25, 2007. Information on this project is on file in the Parks and Recreation Department, and as specifically set forth in the plans and specifications approved by the City Council on October 18, 2006.

Dated: June 20, 2007

=====

I hereby certify that Resolution No. 2007-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 20, 2007, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL  
City Clerk

2007-\_\_\_\_\_



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt resolution approving contract in the amount of \$217,824 with Lodi Unified School District and the City of Lodi Parks and Recreation Department to provide After School Education and Safety program (ASES) at four locations during fiscal year 2007-2008.

**MEETING DATE:** June 20, 2007

**PREPARED BY:** Parks and Recreation Director

**RECOMMENDED ACTION:** Adopt resolution approving contract in the amount of \$217,824 with Lodi Unified School District and the City of Lodi Parks and Recreation Department to provide After School Education and Safety program (ASES) at four locations during fiscal year 2007-2008.

**BACKGROUND INFORMATION:** The Parks and Recreation Department and Lodi Unified School District ("District") have negotiated an agreement for the City to operate the ASES programs at Beckman, Nichols, Woodbridge and Borchardt Elementary Schools for fiscal year 2007-08. The District is the grantee and the City of Lodi will be the sub-recipient of the grant funding through the California Department of Education.

In order to provide the recreational component required by After School Safety and Enrichment grant standards, the District has entered into agreements with participating Community Based Organizations of which the City of Lodi Parks and Recreation Department is one. Other participating Community Based Organizations are the City of Stockton Parks and Recreation Department and the Lodi Boys and Girls Club. Each of these organizations will provide staff and supervision for their respective sites. Costs to provide the aforementioned services will be reimbursed to the participating Community Based Organizations by the District as the programs' designated fiscal agent as per the Agreement.

**FISCAL IMPACT:** The terms of the agreement include estimated revenues to the City of Lodi Parks and Recreation Department of \$217,824. These revenues will be received on a reimbursement basis (as costs are incurred by the city the District will reimburse the city). Therefore, the programs would be operated on a no cost basis (there will be no general fund contribution for the operation of these programs).

**FUNDING AVAILABLE:** Funding will be provided by the After School Safety and Enrichment grant that was awarded to the District.

\_\_\_\_\_  
Tony C. Goehring  
Parks and Recreation Director

Prepared by Rachel Sandoval, Recreation Supervisor

TCG\RS:tl

cc: City Attorney

APPROVED: \_\_\_\_\_  
Blair King, City Manager

RESOLUTION NO. 2007-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING THE CITY  
MANAGER TO EXECUTE CONTRACT WITH LODI UNIFIED SCHOOL  
DISTRICT TO OPERATE THE AFTER SCHOOL EDUCATION AND  
SAFETY PROGRAM (ASES) FOR THE 2007-2008 SCHOOL YEAR

=====

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby  
authorize the City Manager to execute Contract with Lodi Unified School District to  
operate the After School Education and Safety Program (ASES) for the 2007-2008  
School year.

Dated: June 20, 2007

=====

I hereby certify that Resolution No. 2007-\_\_\_\_\_ was passed and adopted by the  
Lodi City Council in a regular meeting held June 20, 2007 by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL  
City Clerk

2007-\_\_\_\_\_



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt Resolution Rescinding the Joint Powers Agreement of 1973 Creating the 49-99 Cooperative Library System and Adopt Resolution Authorizing the Library to Join the Re-Established Cooperative Library System under a Joint Resolution

**MEETING DATE:** June 20, 2007

**PREPARED BY:** Library Services Director

**RECOMMENDED ACTION:** Adopt Resolution to Rescind and Terminate the Joint Powers Agency Agreement of 1973 Creating the 49-99 Cooperative Library System and Adopt Resolution Authorizing the Lodi Public Library to participate in the Re-Established 49-99 Cooperative Library System under a Joint Resolution.

**BACKGROUND INFORMATION:** In 1966 the State of California passed the California Library Services Act, providing for funding to establish cooperative library systems designed to foster library collaboration among public libraries serving California communities. The 49-99 Cooperative Library System (CLS) was formed to share materials and enhance reference and information services amongst public libraries connected by highways 49 and 99. The 49-99 CLS was formed in 1967 under a Joint Powers Agreement (JPA) and later renewed in 1973 when an additional jurisdiction joined the organization. At that time as prescribed by law the duties of treasurer/fiscal agent were assigned to the City of Stockton Financial Officer and the administrator duties were assigned to the City of Stockton library director. After more than twenty years of service, the City of Stockton has formally declared their intention to remove themselves from these duties. In order to contract with an outside agency for these services, it is necessary for the JPA to be rescinded and the 49-99 CLS to reestablish as an organization by joint resolution. The structure outlined in the California Library Service Act (Education Code Sec 18740-18751, Sec. 20135-20235) will remain and is recognized by the state library as a legitimate recipient of the state moneys. A CLS is a cooperative arrangement between geographically contiguous library jurisdictions working together to improve and enhance reference services and resource sharing. By statute, the organization is governed by an Administrative Council consisting of the head librarian of each member jurisdiction. This new format gives the Administrative Council the flexibility to contract for services from a variety of sources without the strictures of a particular jurisdiction.

**FISCAL IMPACT:** None

**FUNDING AVAILABLE:** None required

\_\_\_\_\_  
Nancy C. Martinez  
Library Services Director

NM/sb

**APPROVED:** \_\_\_\_\_  
Blair King, City Manager



**49-99 Cooperative Library System**  
**605 N. El Dorado Street**  
**Stockton, CA 95202**

June 8, 2007

Lodi City Council

**RESOLUTIONS RELATED TO THE 49-99 COOPERATIVE LIBRARY SYSTEM**

We are presenting for your approval two resolutions concerning the 49-99 Cooperative Library System. Some background information may be helpful. In 1966 the State of California passed the California Library Services Act, providing for funding to establish cooperative library systems. These systems were to foster cooperative library services collaboration among public libraries serving California communities. Although most systems were set up as Joint Powers Agencies, some systems were assembled as joint resolution organizations.

The 49-99 Cooperative Library System was formed in 1967 under a Joint Powers Agreement, renewed in 1973 when an additional jurisdiction joined the organization. At that time, as prescribed by law, the duties of Treasurer (Fiscal Agent) were assigned to the City of Stockton Financial Officer and Administrator duties were assigned to the City of Stockton Library Director.

Earlier this year, City of Stockton officials indicated their wish to withdraw from these duties, after more than twenty years of service, citing 49-99's linkage with City financial operations and human resource practices, including salary levels, as a strain on City resources. In order to contract with another agency for Fiscal Agent and Administrator services, 49-99 needs to rescind the JPA and reestablish the 49-99 Cooperative Library System as an organization by joint resolution. The same basic structure will remain and the State Library assures us we will remain in compliance with their requirements as a legitimate recipient of state moneys.

This new format gives the governing body (the Administrative Council) the flexibility to contract for services from a variety of sources without the strictures of a particular jurisdiction. We have accepted proposals from another library agency to provide fiscal agent and administrative services and have performed due diligence concerning the assets of the System.

Enclosed please find the two resolutions being submitted for approval. One rescinds the current JPA Agreement; the second authorizes participation in the new cooperative being formed. Please note that these resolutions will be adopted serially by all current members in their present form. Also enclosed for your information are the Bylaws for the new cooperative, approved by the 49-99 Administrative Council on June 8, 2007. All documents have been reviewed by legal counsel, John A. Shupe of Shupe and Finkelstein, San Mateo, California.

The 49-99 Cooperative Library System looks forward to continuing its service to the library in your community. Thank you for your assistance in making this possible.

Sincerely,

Nancy Martinez  
Chair, 49-99 Administrative Council

RESOLUTION NO. 2007-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL RESCINDING  
AND TERMINATING THE 49-99 COOPERATIVE LIBRARY  
SYSTEM JOINT POWERS AGENCY AGREEMENT

=====

WHEREAS, on March 15, 1967, and renewed on September 24, 1973, this public entity has executed a joint powers agreement with various other public entities known as the "Agreement For 49-99 Cooperative Library System", as well as amendments thereto (hereinafter, "the JPA Agreement"); and

WHEREAS, this agency and each of the other agencies which is a signatory of and party to said JPA Agreement now desires to rescind and terminate the JPA Agreement; and

WHEREAS, after due diligence and reasonable investigation the JPA has determined that it has no assets in the form of cash, receivables, real or personal property, except a single account to be held in trust until formation of the new cooperative system; and that it has no liabilities, in the form of accounts payables or other debt or monetary obligation, tangible or intangible; and therefore has no assets or debts to distribute to its former members or ask them to assume.

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED AS FOLLOWS:

1. The City of Lodi hereby terminates and rescinds the JPA Agreement entered into on March 15, 1967, and renewed on September 24, 1973, to be effective the last date on which any current member thereof passes a similar resolution to terminate and rescind that agreement.

2. If it is subsequently discovered that the JPA does have additional assets or liabilities, any such assets or liabilities shall be transferred, on a pro-rata basis, to each party to the JPA Agreement including this agency, which shall assume its pro-rata share thereof.

Dated: June 20, 2007

=====

I hereby certify that Resolution No. 2007-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 20, 2007, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL  
City Clerk

2007-\_\_\_\_\_



RESOLUTION NO. 2007-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL  
AUTHORIZING PARTICIPATION IN THE 49-99  
COOPERATIVE LIBRARY SYSTEM

=====

WHEREAS, a cooperative library system is being organized by former members of the 49-99 Cooperative Library System Joint Powers Agency, recently abolished, to include public library systems in the City of Lodi, City of Stockton, and the Counties of Amador, Calaveras, Merced, Stanislaus, and Tuolumne; and

WHEREAS, the organizational model for the new cooperative library system is the joint resolution approach utilized by the North State Cooperative Library System and the Mountain- Valley Library System, in which the joint powers law is not used or relied upon and no joint powers agency agreement is needed; and

WHEREAS, each public library system which desires to join the new cooperative can do so by adopting a joint resolution in this form which makes reference to the Bylaws of the new cooperative and promises to abide by them so long as the joining agency is a member of the new cooperative; and

WHEREAS, it is the desire of this public entity, the City of Lodi, to join and become a member of the new 49-99 Cooperative Library System along the terms expressed herein,

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that the Library Director, or other appropriate designee, of this agency is authorized and directed to participate in the new 49-99 Cooperative Library System, and the Bylaws of the said new System, a copy of which is attached hereto as Exhibit A, shall govern this agency's participation in and the operation of the new 49-99 Cooperative Library System.

Dated: June 20, 2007

=====

I hereby certify that Resolution No. 2007-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 20, 2007, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL  
City Clerk

2007-\_\_\_\_\_

**BYLAWS  
for the  
49-99 COOPERATIVE LIBRARY SYSTEM**

**PREAMBLE:**

The former members of the 49-99 Cooperative Library System joint powers agency, having abolished that JPA, and having formed the 49-99 Cooperative Library System ("System") as a joint resolution cooperative under the terms of the California Library Services Act (Education Code §18700 *et seq.*), do hereby enact the following Bylaws for governing the structure, operation, and management of the System.

**ARTICLE I: NAME**

The name of this organization shall be the "49-99 Cooperative Library System" (hereinafter called the "System").

**ARTICLE II: PURPOSE**

The objectives of the System shall be to improve library services to the citizens served by member libraries through sharing of resources and services, through developing new services and resources, and through offering system services as described in the California Library Services Act.

**ARTICLE III: MEMBERSHIP**

**Section 1. Members**

The following public library agencies have joined the System: Amador County Library, Calaveras County Library, Lodi Public Library, Merced County Library, Stanislaus County Free Library, Stockton-San Joaquin County Public Library, and Tuolumne County Free Library. Membership in this organization shall be open to any library eligible to join Cooperative Library Systems as specified in the California Library Services Act.

**Section 2. Additional Members**

Additional public and private libraries, such as university, college, school and special libraries, may become Affiliate Members of the System if, in the opinion of the Administrative Council, membership would be mutually beneficial.

**Section 3. Withdrawal from Membership**

a. Any participating agency may withdraw from membership in the System by resolution of its governing body. Notice of withdrawal of any member of the System will be given in writing to the Administrative Council on or before February 1 of the current fiscal year.

b. Upon failure to pay dues on or before January 31 for the fiscal year for which the dues are assessed, membership shall automatically terminate. Such termination shall be effective thirty (30) days after a written notification of delinquency is given personally or mailed to the chief officer of the member by the Chair of the Administrative Council. Automatic termination may be avoided by paying delinquent dues within that thirty-day period.

#### ARTICLE IV: ADMINISTRATIVE COUNCIL

##### Section 1. Governing Body

The System shall be governed by an Administrative Council composed of the head librarian of each public library participating as a member of the System, pursuant to Education Code section 18747(a). In addition, academic and other libraries accepted as affiliates of the System by the Administrative Council may have a representative.

##### Section 2. Voting

Each public and affiliate member library shall have one vote. Only representatives of public library jurisdictions may vote on issues related to the California Library Services Act. All members may vote on issues that do not relate to the Act, including any fees, dues and/or assessments. In the case of unavoidable absence from a meeting, the head librarian may designate an alternate to attend the meeting and cast a vote.

##### Section 3. Policy and Duties

a. The Administrative Council shall establish policy and prepare plans for the continued development and growth of the System within the provisions of the California Library Services Act and within the rules and regulations adopted by the Library of California Board. The Administrative Council shall direct, and through System personnel or contractors, administer the program stipulated herein.

b. The Administrative Council shall contract for a Fiscal Agent and such other contractors as deemed necessary by the Administrative Council. The Administrative Council shall be responsible for the allocation, and through a Fiscal Agent for the System, the disbursement of monies received from federal, state, and/or local sources. The Fiscal Agent shall receive and disburse System funds as required in the implementation of the California Library Services Act. The Administrative Council shall appoint from among its members a liaison to maintain communication with the Fiscal Agent.

- c. The Administrative Council shall determine, if and when necessary for the continued operation of the system, the frequency and amount of any assessment required of its members. Notice of any assessment shall be given to all members at least ninety (90) days before it is to take place. Each member's share shall be determined by criteria determined by the Administrative Council. Failure to meet a duly agreed assessment shall require withdrawal from the System by such member.

## ARTICLE V: OFFICERS AND DUTIES

### Section 1. Officers

- a. The officers of this organization shall be a Chair and Vice-Chair/Chair-Elect, elected from the Administrative Council.
- b. The office of Vice-Chair/Chair-Elect will rotate among the directors. The rotation order shall be as follows:
  - Tuolumne
  - Stanislaus
  - Calaveras
  - Merced
  - Stockton-San Joaquin Co.
  - Amador
  - Lodi
- c. No Chair or Vice-Chair/Chair-Elect shall succeed him/herself in office.
- d. If for any reason the office of Chair falls vacant, the Vice-Chair/Chair-Elect shall serve as Chair for the remainder of that term. If the office of Vice-Chair/Chair-Elect becomes vacant, a special election shall be held to fill the office for the remainder of the term.

### Section 2. Duties of Officers

- a. The Chair shall preside at all meetings of the Administrative Council.
- b. The Chair shall appoint members to committees authorized by the Council.
- c. The Chair shall be the authorized representative of the Council.
- d. The Vice-Chair/Chair-Elect shall act in the absence of the Chair.

## ARTICLE VI: MEETINGS

Section 1. Regular Meetings

Meetings shall be held at least four (4) times yearly.

Section 2. Determination of Meetings

The power to determine the date and place of Administrative Council meetings shall be vested in the Council. The Administrative Council or Chair thereof may set an alternate date provided that this new date is set at least fourteen (14) days prior to the originally scheduled date. The Council may also meet upon the call of the Chair, or upon petition of the majority of the members. The purpose of the meeting shall be stated in the call. In cases of emergency, at least three (3) days notice shall be given.

Section 3. Notice

Notice and agenda of each regular meeting of the Administrative Council shall be in writing and transmitted at least seven (7) days prior to each meeting. In cases of emergency, at least three (3) days notice shall be given.

Section 4. Quorum

At any regular meeting of the Administrative Council, a simple majority of the total membership shall constitute a quorum. Provided, however, resolutions may be passed by a majority of those present at the meeting.

ARTICLE VII: COMMITTEES

Section 1. Standing and Special Committees

Standing and special committees may be established by the Administrative Council as deemed necessary. Committees shall prepare recommendations and reports for consideration and action by the Administrative Council. A liaison from the Administrative Council to each Committee shall be appointed by the Chair and will report and/or present the Committee recommendation(s) at each Administrative Council meeting. The liaison serves in an ex officio capacity to the Committee.

Section 2. Committee Membership

Member library staff and Advisory Board members are encouraged to serve on committees. The Administrative Council Chair shall serve as an ex officio member of all standing committees. System personnel and/or contractors may serve as ex officio members of committees.

## ARTICLE VIII: ADVISORY BOARD

### Section 1: Composition and Voting

The governing body of each public library member shall appoint one Advisory Board member. The appointing jurisdiction shall ensure that members of the Advisory Board are representative of the public-at-large and of the underserved residents in the system service area. Each member jurisdiction shall have one vote to be cast by its representative.

### Section 2. Term of Office

The term of any member of the Advisory Board shall be for two years, and each member shall serve no more than two consecutive terms.

### Section 3. Duties

The duties of the System Advisory Board shall include the following: assist the Administrative Council in the development of the Plan of Service; advise the Administrative Council on the need for services and programs; and assist in the evaluation of services provided by the System.

### Section 4. Meetings

The Advisory Board meets at least once a year, generally in conjunction with an Administrative Council meeting. The Advisory Board establishes its own agenda, elects its own officers, and records its own minutes. The Advisory Board Chair may give a report at the Administrative Council meeting and Advisory Board minutes may be distributed with the Administrative Council agenda packet.

## ARTICLE IX: SYSTEM STRUCTURE AND ORGANIZATION

### Section 1. System Personnel

The System shall employ such professional, clerical and operating staff and/or contractors and consultants as deemed necessary by the Administrative Council. System personnel and/or contractors shall be selected according to job description and recruitment announcements approved by the Administrative Council. The Administrative Council shall approve appointments of personnel and/or contractors.

Section 2. Travel Expense

The Administrative Council shall establish and maintain a schedule of reimbursements for authorized travel expenses for the Administrative Council, System personnel, contractors, and Advisory Board members. The Council Chair and members of the Council may receive reimbursement for extraordinary expenses incurred in the fulfillment of System responsibilities at the discretion of the Council.

Section 3. Ownership and Distribution

Any materials and equipment purchased for a member library with System funds shall remain the property of that library. System property shall be distributed on an equitable basis as determined and agreed to by the Administrative Council. This determination shall be recorded in the minutes of the Council.

ARTICLE X: PARLIAMENTARY AUTHORITY

Section 1. Parliamentary Procedure

To the extent not determined by these Bylaws the Administrative Council shall be governed in all its meetings by parliamentary procedure as contained in Robert's Rules of Order (current edition).

Section 2. Amendments

Amendments to these Bylaws may be made at any meeting of the Administrative Council by a two-thirds (2/3) vote of those present, after notification in writing to each member at least two (2) weeks prior to the meeting at which the voting is to take place.

Bylaws Adopted: June 8, 2007



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt Resolution Awarding Service Contract to Auriga Corporation of Milpitas, California to Provide Routing and Siting Evaluation for a Western Transmission Line Interconnection (\$95,950) (EUD)

**MEETING DATE:** June 20, 2007

**PREPARED BY:** Electric Utility Director

**RECOMMENDED ACTION:** Adopt a resolution awarding a service contract for routing and siting a western transmission line interconnection to Auriga Corporation (Auriga) of Milpitas, California.

**BACKGROUND INFORMATION:** On May 2, 2007, the City Council approved the Request For Proposal (RFP) for services to provide routing and siting evaluation, alternative and right-of-way analyses, issue identification, cost/benefit studies, and other related recommendations for a potential transmission line interconnection to the vicinity of NCPA's STIG Plant to the west of Lodi.

The transmission routing and siting RFP was sent to four engineering firms that had been previously pre-qualified for power engineering services. On May 31, 2007, staff received bids as follows:

Auriga Corporation, Milpitas, CA	\$95,950.00
Electrical Power Systems, Inc., Fresno, CA	No Bid
Arthur Engineering, Inc., Elk Grove, CA	No Bid
Vega Engineering, Inc., San Francisco, CA	No Bid

Staff reviewed the proposal of Auriga Corporation and found it to be compliant with the RFP specifications, bid submitted requirements and scope of work. Auriga has the background, skills and expertise that would address the identified tasks for this project covering technical, environmental, right-of-way, planning, and regulatory issues. Auriga Corporation has performed transmission interconnection projects for Plumas Sierra Rural Electric Cooperative, Pacific Gas & Electric, Sierra Pacific Power Company and similar projects with Kentucky Public Service Commission, Kentucky Power and Louisville Electric. Auriga has also conducted several siting projects for transmission lines and power plants including power substation design services for both municipal and investor owned utilities such as Santa Clara, Roseville, SMUD, SCE, PG&E, and Anaheim.

The construction of new transmission lines entails activities requiring lengthy execution, adjustment, and repetitive negotiation and coordination in routing and siting activities including the need to secure right-of-ways and easements. Staff's estimate of cost for this work was \$100,000-\$150,000. Therefore, staff is recommending City Council approval awarding the transmission routing and siting services to Auriga Corporation of Milpitas, California.

**FISCAL IMPACT:** The proposed project cost is \$95,950.

**APPROVED:** \_\_\_\_\_  
Blair King, City Manager



**Adopt Resolution Awarding Service Contract to Auriga Corporation of Milpitas, California to Provide Routing and Siting Evaluation for a Western Transmission Line Interconnection (\$95,950) (EUD)**

**June 20, 2007**

**Page 2 of 2**

**FUNDING AVAILABLE:** Bond proceeds are allocated in Account No. 161.1082.

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Kirk Evans, Budget Manager

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George F. Morrow  
Electric Utility Director

**PREPARED BY:** Demy Bucaneg, Jr., P.E., Manager, Engineering & Operations

GFM/DB/lst

RESOLUTION NO. 2007-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL AWARDING SERVICE  
CONTRACT TO AURIGA CORPORATION TO PROVIDE ROUTING  
AND SITING EVALUATION FOR A WESTERN TRANSMISSION LINE  
INTERCONNECTION

=====

WHEREAS, on May 2, 2007, the City Council approved the Request for Proposal (RFP) for services to provide routing and siting evaluation, alternative and right-of-way analyses, issue identification, cost/benefit studies, and other related recommendations for a potential transmission line interconnection to the vicinity of NCPA's STIG Plant to the west of Lodi.

WHEREAS, the transmission routing and siting RFP was sent to four engineering firms that had been previously pre-qualified for power engineering services. On May 31, 2007, staff received proposals from two companies with the following results:

Auriga Corporation, Milpitas, CA	\$95,950.00
Electrical Power Systems, Inc., Fresno, CA	No Bid
Arthur Engineering, Inc. of Elk Grove, CA	No Bid
Vega Engineering, Inc. of San Francisco, CA	No Bid

WHEREAS, staff reviewed the proposal of Auriga Corporation and found it to be compliant with the RFP specifications, bid submitted requirements and scope of work. Auriga has the background, skills and expertise that would address the identified tasks for this project covering technical, environmental, right-of-way, planning, and regulatory issues; and

WHEREAS, the construction of new transmission lines entails activities requiring lengthy execution, adjustment, and repetitive negotiation and coordination in routing and siting activities including the need to secure right-of-ways and easements; and

WHEREAS, staff estimates the cost for this work to be \$100,000-\$150,000, and recommends City Council approval awarding the transmission routing and siting services to Auriga Corporation of Milpitas, California.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby award the Service Contract to provide Routing and Siting Evaluation for a Western Transmission Line Interconnection to Auriga Corporation, of Milpitas, California, in the amount of \$95,950; and

Dated: June 20, 2007

=====

I hereby certify that the foregoing is a true and correct copy of Resolution No. 2007-\_\_\_\_\_, which was duly and regularly passed and adopted by the City Council of the City of Lodi in a regular meeting held June 20, 2007 by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL  
City Clerk

2007-\_\_\_\_\_



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt Resolution Authorizing City Manager to Execute Task Order with Treadwell & Rollo for Groundwater Monitoring Services for Lodi Central Plume (\$62,000)

**MEETING DATE:** June 20, 2007

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** Adopt a resolution authorizing City Manager to execute a task order with Treadwell & Rollo, Inc., for groundwater monitoring service for Lodi Central Plume in the amount of \$62,000.

**BACKGROUND INFORMATION:** The City has a master agreement with Treadwell & Rollo, Inc., for various technical services pertaining to the PCE/TCE contamination. On March 1, 2006, Council authorized the City Manager to execute a task order to provide groundwater monitoring services for the Lodi Central Plume in the amount of \$140,800. Staff is now requesting the approval of renewal of that task order to continue the work in the Central Plume Monitoring and Reporting Program. This monitoring is required by the Central Valley Regional Water Quality Control Board (Board).

As described in the attached letter, we have worked with Treadwell & Rollo to refine and reduce the frequency (hence, the cost) of this monitoring, subject to approval by the Board. Staff had hoped to issue a Request for Proposals for this work but has not had time to develop the details of the Request; however, staff will attempt to do so for the next round of monitoring.

**FISCAL IMPACT:** No fiscal impact. Funds are from the Central Plume Settlement.

**FUNDING AVAILABLE:** Central Plume Fund (Account 190106) - \$62,000

\_\_\_\_\_  
Kirk Evans, Budget Manager

\_\_\_\_\_  
Richard C. Prima, Jr.  
Public Works Director

RCP/pmf  
Attachment  
cc: Phil Smith, Treadwell & Rollo

**APPROVED:** \_\_\_\_\_  
Blair King, City Manager

14 May 2007  
Project 3923.16

Mr. Richard Prima  
Public Works Department  
City of Lodi  
221 West Pine Street  
Lodi, California 95240

Subject: Proposed Scope of Work  
Central Plume Monitoring and Reporting Program for 2007  
Lodi, California

Dear Mr. Prima:

Treadwell & Rollo, Inc. (Treadwell & Rollo) is pleased to submit this proposal to continue implementation of the monitoring and reporting program (MRP) for the Central Plume Area in Lodi, California. Monitoring and reporting activities are a requirement of Order No. R5-2004-0043 (Required Action No. 17) issued by the Central Valley Regional Water Quality Control Board (RWQCB) on 22 April 2004.

The scope of the proposed monitoring activities for this proposal are described in the *Draft Groundwater Monitoring Program Work Plan for the Central Plume Area*, dated 17 February 2005 and in the RWQCB letter dated 27 April 2005 to the City of Lodi requesting electronic submittal of information to the GeoTracker website.

We estimate the costs for the 2007 monitoring and reporting program to be approximately \$62,000. This is an approximate 50% decrease from last year's estimate and reflects the following changes:

- As you requested, a decrease in the number of samples due to a change of quarterly to semi-annual sampling but increased number of wells and
- The replacement of the third party data validation with a simpler quality control check.

This reduced program and cost are contingent upon approval of the RWQCB. We plan to recommend these changes to the RWQCB in the Fourth Quarter 2006 Report.

We propose to perform our work on a time-and-expense basis in accordance with the City of Lodi-Treadwell & Rollo terms and conditions. We will not exceed the estimated authorized total unless the scope of services changes and we receive your prior authorization. We appreciate the opportunity to present this proposal and look forward to continuing to assist you on this project. If you have any questions, please call either of us at 415-955-9040.

Sincerely yours,  
TREADWELL & ROLLO, INC.



Carole Nuttall  
Geologist/ GIS Specialist  
39231611.PBS



Patrick B. Hubbard, PG, CEG  
Senior Associate Geologist

RESOLUTION NO. 2007-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL  
AUTHORIZING THE CITY MANAGER TO EXECUTE TASK  
ORDER WITH TREADWELL & ROLLO, INC., FOR  
GROUNDWATER MONITORING SERVICES FOR LODI  
CENTRAL PLUMES

=====

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby  
authorizes the City Manager to execute a Task Order with Treadwell & Rollo, Inc., for  
groundwater monitoring service for the Lodi Central Plume; and

BE IT FURTHER RESOLVED that funds in the amount of \$62,000 be  
appropriated from the Central Plume Trust Fund (190106) for this project.

Dated: June 20, 2007

=====

I hereby certify that Resolution No. 2007-\_\_\_\_\_ was passed and adopted by the  
City Council of the City of Lodi in a regular meeting held June 20, 2007, by the following  
vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL  
City Clerk

2007-\_\_\_\_\_



## CITY OF LODI COUNCIL COMMUNICATION

TM

**AGENDA TITLE:** Adopt Resolution Approving Renewal of Maintenance of State Highway Agreement with the State of California Department of Transportation (Caltrans) for Fiscal Year 2006/07 (\$9,108) and Authorizing City Manager to Execute Subsequent Agreements

**MEETING DATE:** June 20, 2007

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** Adopt resolution approving renewal of the maintenance of State Highway 12 agreement with the State of California Department of Transportation (Caltrans) for Fiscal Year 2006/07 in the amount of \$9,108 and authorizing the City Manager to execute subsequent agreements.

**BACKGROUND INFORMATION:** Since 1987, the City of Lodi has performed specific maintenance activity for Caltrans on Highway 12, the Highway 99/Turner Road off-ramp, and the Cherokee Lane ramps. The service includes removal of litter and debris from the roadway surfaces and roadsides by sweeping. Under the new agreement, the service would be performed twice a month on State Route 12 within the City limits – Kettleman Lane from Westgate Drive to Cherokee Lane, and Victor Road from Cherokee Lane to the east City limits. At Caltrans request, the level of sweeping is being reduced from weekly to bi-weekly, and we have eliminated the Maintenance Worker and vehicle support to the street sweeper. The landscape median is not part of this agreement. The new agreement has also been amended to eliminate sweeping the Highway 99/Turner Road off-ramp and the Cherokee Lane ramps. In addition to the reduction of service, the agreement is adjusted to reflect current City costs for the service. Caltrans is billed quarterly, and this service will generate an annual revenue of \$9,108. The initial agreement with Caltrans became effective in July 1987.

To reduce administrative time and costs, staff is requesting that the City Manager be authorized to execute subsequent maintenance agreements with Caltrans for this work.

**FISCAL IMPACT:** If the agreement renewal is rejected, the City will lose \$9,108 in revenue. There is also the concern that the appearance of Highway 12 running through the City will go the way of many other State highways that are swept twice per year rather than twice per month.

**FUNDING AVAILABLE:** Funds to support staff and equipment for this contract are provided in the 2006/07 Operating budget.

\_\_\_\_\_  
Kirk Evans, Budget Manager

\_\_\_\_\_  
Richard C. Prima, Jr.  
Public Works Director

Prepared by George M. Bradley, Streets and Drainage Manager  
RCP/GMB/dsg  
cc: Curt Juran, Assistant Streets and Drainage Manager

**APPROVED:** \_\_\_\_\_  
Blair King, City Manager

RESOLUTION NO. 2007-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING  
RENEWAL OF MAINTENANCE OF STATE HIGHWAY  
AGREEMENT WITH THE STATE OF CALIFORNIA DEPARTMENT  
OF TRANSPORTATION (CALTRANS) FOR FISCAL YEAR  
2006/2007 (\$9,108), AND FURTHER AUTHORIZING THE CITY  
MANAGER TO EXECUTE SUBSEQUENT AGREEMENTS

=====

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby  
approves the renewal of Maintenance of State Highway Agreement with the State of  
California Department of Transportation (Caltrans) for Fiscal Year 2006/2007  
(\$9,108.00); and

BE IT FURTHER RESOLVED that the City Council hereby authorizes the City  
Manager to execute subsequent agreements.

Dated: June 20, 2007

=====

I hereby certify that Resolution No. 2007-\_\_\_\_\_ was passed and adopted by the  
City Council of the City of Lodi in a regular meeting held June 20, 2007, by the following  
vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL  
City Clerk

2007-\_\_\_\_\_



# CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt Resolution Authorizing the City Manager to Execute the Master Agreements and All Program Supplements for State-Funded Transit Projects and Any Amendments Thereto with the California Department of Transportation

**MEETING DATE:** June 20, 2007

**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** Adopt a resolution authorizing the City Manager to execute the master agreements and all program supplements for State-funded Transit projects and any amendments thereto with the California Department of Transportation (Caltrans).

**BACKGROUND INFORMATION:** The City of Lodi currently has an executed master agreement with Caltrans for Local Assistance projects. Previously, the City had not received any funding from the Public Transit Account (PTA). Recently, the City was allocated PTA funding for the maintenance facility. That funding can not be accessed until these agreements are in place.

The master agreements detail all of the reporting requirements (matching funds, ADA, etc) that are required to utilize State transit funding. The master agreements are good for ten years and cover all eligible projects awarded to the City of Lodi which utilize State Transit funds. The program supplements are required for each project and clearly state the individual projects scope, local match requirements, and deadlines. A new program supplement is required for each project.

**FISCAL IMPACT:** Failure to execute the master agreements and program supplements would prohibit the City from utilizing State funds for Transit projects, which currently include \$1.85 million in funding for the Municipal Service Center (MSC) Transit Vehicle Maintenance Facility.

**FUNDING AVAILABLE:** Not applicable.

\_\_\_\_\_  
Richard C. Prima, Jr.  
Public Works Director

Prepared by Tiffani M. Fink, Transportation Manager  
TMF/pmf

cc: Tiffani M. Fink, Transportation Manager  
F. Wally Sandelin, City Engineer/ Deputy Public Works Director

**APPROVED:** \_\_\_\_\_  
Blair King, City Manager



RESOLUTION NO. 2007-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL  
AUTHORIZING THE CITY MANAGER TO EXECUTE A  
MASTER AGREEMENT AND PROGRAM SUPPLEMENTS  
FOR STATE-FUNDED TRANSIT PROJECTS WITH THE  
CALIFORNIA DEPARTMENT OF TRANSPORTATION

=====

WHEREAS, the City of Lodi may receive state funding from the California Department of Transportation (Department) now or sometime in the future for transit projects; and

WHEREAS, substantial revisions were made to the programming and funding process for the transportation projects programmed in the State Transportation Improvement Program, by Chapter 622 (SB 45) of the Statutes of 1997; and

WHEREAS, the statutes related to state-funded transit projects require a local or regional implementing agency to execute an agreement with the Department before it can be reimbursed for project expenditures; and

WHEREAS, the Department utilizes Master Agreements for State-Funded Transit Projects, along with associated Program Supplements, for the purpose of administering and reimbursing state transit funds to local agencies; and

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that the fund recipient agrees to comply with all conditions and requirements set forth in this agreement and applicable statutes, regulations and guidelines for all state-funded transit projects.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute the Master Agreement and all Program Supplements for State-Funded Transit Projects and any Amendments thereto with the California Department of Transportation.

Dated: June 20, 2007

=====

I hereby certify that Resolution No. 2007-\_\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 20, 2007, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL  
City Clerk

2007-\_\_\_\_\_



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Adopt Resolution renewing line of credit with Farmers and Merchants Bank (\$3,000,000) at no cost to the City of Lodi for the Lodi Electric Utility through June 30, 2008.

**MEETING DATE:** June 20, 2007

**PREPARED BY:** Deputy City Manager

---

**RECOMMENDED ACTION:** Adopt Resolution approving the line of credit with Farmers and Merchants Bank for \$3,000,000 through June 30, 2008.

**BACKGROUND INFORMATION:** On July 19, 2006, the Lodi Electric Utility secured a short-term line of credit with Farmers and Merchants Bank through June 30, 2007. The line of credit was not needed during this year, however, extending the line of credit for another year is appropriate in order to provide for emergency cash reserves.

Farmers and Merchants Bank provides the City of Lodi with all of its banking services and has approved the line of credit to be used for Electric Utility operations and other emergency needs should they arise through June 30, 2008. If the line of credit is exercised, the loan would be secured with a certificate of deposit with the bank. Securing the repayment of loans in this manner allows for very favorable interest rates.

**FISCAL IMPACT:** It is anticipated that there will be no additional costs for renewing the line of credit with the Farmers and Merchants Bank. It is not anticipated that the line of credit will be utilized, but if it is, there will be a short term interest cost associated with the amount and for the time the line of credit is utilized.

**FUNDING AVAILABLE:** The costs for renewing the line of credit are budgeted in the Electric Utility Fund.

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James R. Krueger  
Deputy City Manager

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APPROVED: \_\_\_\_\_  
Blair King, City Manager

RESOLUTION NO. 2007-\_\_\_\_\_

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING AND  
APPROVING THE EXECUTION AND DELIVERY OF A LOAN  
AGREEMENT TO FARMERS & MERCHANTS BANK OF CENTRAL  
CALIFORNIA AND THE BORROWING OF FUNDS THEREUNDER

=====

WHEREAS, Farmers & Merchants Bank of Central California (the "Bank") has offered to provide a revolving line of credit to the City of Lodi (the "City") in the amount of three million dollars (\$3,000,000) to be available through June 30, 2008, pursuant to a loan agreement between the City and the Bank (the "Loan Agreement") which is attached hereto and incorporated herein by reference; and

WHEREAS, Government Code Sections 53850 et seq. authorize the City to borrow money by the issuance of temporary notes under the Loan Agreement; and

WHEREAS, in order to make best use of the credit facility provided by the Bank, it is desirable to delegate to the Deputy City Manager the authority to make borrowings under the line of credit.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lodi as follows:

1. Recitals. The City Council hereby finds and determines that the foregoing recitals are true and correct.

2. Approval of Loan Agreement. The proposed form of the Loan Agreement between the Bank and the City, including the form of promissory notes to be delivered by the City thereunder, as presented to this meeting, is hereby approved in substantially final form. The City Manager of the City of Lodi is hereby authorized, for and on behalf of the City Council, to execute and deliver to the Bank the Loan Agreement in substantially said form, with such changes therein as such officer, with the advice of the City Attorney, may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

3. Delegation of Authority to Make Borrowings Under Loan Agreement. The City Council hereby authorizes the Deputy City Manager of the City, for and on behalf of the City Council, to execute and deliver to the Bank promissory notes representing borrowings under the Loan Agreement; provided that such additional borrowings are made in conformance with the terms, conditions, and limitations of the Loan Agreement and the temporary borrowing provisions of Government Code Sections 53850 et seq., all as determined by the Deputy City Manager. Such promissory notes shall be issued in substantially the form attached to the Loan Agreement as Exhibit B, with interest thereon, determined in accordance with the provisions of the Loan Agreement, with such changes therein as such officer, with the advice of the City Attorney, may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

4. Authorization to Execute Documents. City officials and staff are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents that they may deem necessary or advisable in order to proceed with the borrowings authorized hereby and otherwise carry out, give effect to, and comply with the terms and intent of this Resolution. Such actions already taken by such officials and staff are hereby ratified, confirmed, and approved.

Dated: June 20, 2007

=====

I hereby certify that Resolution No. 2007-\_\_\_\_ was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 20, 2007, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

RANDI JOHL  
City Clerk

2007-\_\_\_\_



## CITY OF LODI COUNCIL COMMUNICATION

TM

**AGENDA TITLE:** Approve Submitted City of Lodi's Arts & Cultural Project Mini Grants for 06-07

**MEETING DATE:** June 20, 2007

**PREPARED BY:** Deanie Bridewell, LAC Liaison

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**RECOMMENDED ACTION:** Approve the Mini Grant applications that have been reviewed by the Lodi Arts Commission's Grant Review Committee.

**BACKGROUND INFORMATION:** The City Council has provided \$50,000.00 to the Lodi Arts Commission (LAC) for its grant program for 2006-07. The balance of the allocation is \$7,289.00 after the primary grants were awarded.

Mini Grant applications were made available to the public after the approval of grants at the City Council meeting on May 16, 2007. After weeks of studying the submitted Mini grants, the Grant Committee met on June 4, 2007, to review them. The submitted slate of Mini Grants has been approved by the Lodi Arts Commission's Grant Review Committee and the LAC.

**FISCAL IMPACT:** \$7,289.00 (Balance of original \$50,000 allotment).

**FUNDING AVAILABLE:** The remaining balance of this year's grant funding is \$7,289.00. Total grant funding for 2006-07 was \$84,000, \$34,000 for the first segment of the year, and \$50,000 for the second segment, which the Council authorized on May 16, 2007.

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Kirk Evans, Budget Manager

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James M. Rodems  
Community Center Director

SB/DB

---

**APPROVED:** \_\_\_\_\_  
Blair King, City Manager

**LODI ARTS COMMISSION PROJECT GRANTS  
2006-07 PROGRAM CYCLE  
SUMMARY OF MINI GRANT APPLICATIONS**

**Group Name:** Lodi Community Art Center

**Title of Project:** First Friday Radio Advertising

**Grant Request:** \$2,000.00

**Project Budget:** \$2,000.00

**Target Population:** 673,000

**Art Form:** Visual Arts

**Scope of Project:** This is a request for a mini grant to help support the promotion of the downtown Lodi's "First Friday Art Hop". This grant would allow expansion into broadcast media, radio advertising, as well as promote the use of computer websites to get the message out to the target population.

**Recommended for funding:** Yes

**Award:** \$1644.50

**Group Name:** Vocal Arts of Lodi

**Title of Project:** Lodi Children's Chorus

**Grant Request:** \$2,000.00

**Project Budget:** \$2,000.00

**Target Population:** 50 Children

**Art Form(s):** Vocal Arts

**Scope of Project:** Lodi Children's Chorus' goal is to give each child who likes to sing, an opportunity to perform in a choral setting, and a chance to travel and share their musical talents with the world. The grant will be used for purchasing sheet music for the chorus. Music is very expensive, averaging \$3.00 per copy. We usually order fifty copies per song, about thirteen new songs per year.

**Recommended for funding:** Yes

**Award:** \$2,000.00

**Group Name:** Sandhill Crane Festival

**Title of Project:** 2007 Sandhill Crane Festival

**Grant Request:** \$2,000.00

**Project Budget:** \$49,700.00

**Target Population:** 1,500 – 2,000

**Art Form(s):** Festival

**Scope of Project:** The Sandhill Crane Festival was created to increase public awareness, appreciation and conservation of the Sandhill Cranes and other Central Valley wintering wildlife and to increase ecotourism into the Lodi community. The venue, used to accomplish this mission, provides fun educational and recreational opportunities which promote conservation management and restoration efforts benefiting wildlife while working closely with agriculture and recreation in the area. The local economy is promoted through wildlife related ecotourism which is supported by partnerships with local agencies, community organizations, schools and businesses.

**Recommended for funding:** Yes

**Award:** \$1,000.00

**Group Name: Handel Messiah**

**Title of Project:** Handel Messiah

**Grant Request:** \$2,000.00

**Project Budget:** \$15,000

**Target Population:** 942

**Art Form(s):** Musical Concert

**Scope of Project:** Come celebrate our 4<sup>th</sup> season of Christmas splendor! Enjoy the inspirational artistic expressions of many talented musicians, vocalist, and dramatists. Presenting "Handel Messiah", Saturday, December 8, 2007, 4:00pm at Hutchins Street Square.

**Recommended for funding:** No

**Award:** none

**Group Name: Handel Messiah**

**Title of Project:** Handel Messiah Pilot Workshop

**Grant Request:** \$2,000.00

**Project Budget:** \$3,500.00:

**Target Population:** 30-50

**Art Form(s):** Music

**Scope of Project:** The year the Handel Messiah project wishes to offer an outreach program in the form of a pilot workshop. This pilot workshop will prepare youth who would like to participate in the rehearsals and Handel Messiah Performance for the very first time.

The only workshop of its kind, training youth in basic voice, theory, performance and instrumental; specifically strings, brass & percussion; giving them the necessary skills to then join rehearsals and the performance in the Handel Messiah.

**Recommended for funding:** Yes

**Award:** \$1644.50

**Group Name: Lodi Community Band**

**Title of Project:** Lodi Community Band Winter Concert

**Grant Request:** \$1,000

**Project Budget:** \$1,000

**Target Population:** Entire population of the Lodi/Stockton area is invited to attend the concert.

**Art Form (s):** Music

**Scope of Project:** The Lodi Community Band will be presenting our annual Winter Concert on December 9. Free admission to the public.

**Recommended for funding:** Yes

**Award:** \$1,000.00



## CITY OF LODI COUNCIL COMMUNICATION

TM

**AGENDA TITLE:** Consider Approval of Insubstantial Amendments to the Assignment and Assumption Agreement, attached as Exhibit G to the Development Agreement by and between the City of Lodi and San Joaquin Valley Land Company ("SJVLC"), and thereby consent to the assignment of the Blue Shield site from SJVLC to Blue Shield, and Grant of Temporary Easement.

**MEETING DATE:** June 20, 2007 City Council Meeting

**PREPARED BY:** City Attorney's Office

**RECOMMENDED ACTION:** That the City Council approve the insubstantial amendments to the Assignment and Assumption Agreement, attached as Exhibit G to the Development Agreement by and between the City of Lodi and San Joaquin Valley Land Company ("SJVLC"), and thereby consent to the assignment of the Blue Shield site from SJVLC to Blue Shield.

**BACKGROUND INFORMATION:** Council approved a Development Agreement with San Joaquin Valley Land Company ("SJVLC") effective September 6, 2006. The Agreement contemplates the assignment of its obligations and benefits in Paragraph 22 in a form attached as Exhibit G, entitled "Assignment and Assumption Agreement." SJVLC and Blue Shield have agreed on a form of Assignment Agreement that differs, although insubstantially, from the form attached as Exhibit G. The changes relate primarily to the fact that Blue Shield will not assume all of SJVLC's obligations, instead leaving them with SJVLC. As proposed, SJVLC alone would retain the obligations for the Downtown Impact Fee, Continued Maintenance Obligations, Fire Station and Equipment, Public Art, Animal Shelter, Utility Service, Annexation, Community Facilities District, and Citizens for Open Government. The Agreement also adds indemnity obligations between SJVLC and Blue Shield and a California Chose of Law provision. Finally the Assignment Agreement is conditioned on the City Council granting a temporary easement over the 30-foot strip between the Blue Shield site and the North Highway 99 Frontage Road. The easement is necessary to ensure Blue Shield has access to the Frontage Road until the roadway improvements are created. Approval will therefore grant the temporary easement. Paragraph 12.3 permits such insubstantial amendments to the Development Agreement with Council Consent.

**FISCAL IMPACT:** N/A

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D. Stephen Schwabauer  
City Attorney

APPROVED:

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Blair King, City Manager



**EXHIBIT-G**

**FORM OF ASSIGNMENT**

~~OFFICIAL BUSINESS~~

~~Document entitled to free recording  
Government Code Section 6103~~

RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:

City of Lodi  
P.O. Box 3006  
Lodi, CA 95241-1910  
Attn: City Clerk

(SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE)

OFFICIAL BUSINESS

Document entitled to free recording  
Government Code Section 6103

ASSIGNMENT AND ASSUMPTION OF DEVELOPMENT AGREEMENT  
**RELATIVE TO**

THIS ASSIGNMENT AND ASSUMPTION OF DEVELOPMENT AGREEMENT  
(~~hereinafter, the~~ "Agreement") is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_  
, by and between San Joaquin Valley Land Company, LLC (hereinafter "Developer"), and  
, a \_\_\_\_\_ (hereinafter as of June \_\_\_\_\_, 2007 ("Effective Date"), by and  
between SAN JOAQUIN VALLEY LAND COMPANY, LLC, a California limited liability  
company ("Developer"), and CALIFORNIA PHYSICIANS' SERVICE dba BLUE SHIED OF  
CALIFORNIA, a California not-for-profit mutual benefit corporation ("Assignee").

RECITALS

~~1.~~ 1. On September 6, 2006, the City of Lodi ("City") and Developer entered into that  
certain agreement entitled "Development Agreement By and Between The City of Lodi and  
~~Relative~~ San Joaquin Valley Land Company, LLC" relative to the ~~Development~~ development  
known as the "Reynolds Ranch" project (~~hereinafter the~~ "Development Agreement"). Pursuant  
to the Development Agreement, Developer agreed to develop certain property more particularly  
described ~~in the Development Agreement (hereinafter, the~~ on Exhibit A attached hereto  
("Subject Property"), subject to certain conditions and obligations as set forth in the  
Development Agreement. The Development Agreement was recorded against the Subject  
Property in the Official Records of San Joaquin County on \_\_\_\_\_, December 26, 2006, as  
Instrument No. \_\_\_\_\_, 2006-268372.

~~2.2.~~ 2.2. Concurrent herewith, Assignee is purchasing from Developer ~~intends to convey~~ an approximate 20.5 acre portion of the Subject Property ~~to Assignee, commonly referred to as~~ Parcel \_\_\_\_\_, located at the southwest corner of Highway 99 and Harney Lane and more particularly described and identified ~~and described~~ in Exhibit AB-1 and Exhibit AB-2, attached hereto ~~and incorporated herein by this reference (hereinafter the~~  (“Assigned Parcel”).

~~3.3.~~ 3.3. Developer desires to assign and Assignee desires to assume ~~all~~ certain of Developer’s right, title, interest, burdens and obligations under the Development Agreement with respect to and as related to the Assigned Parcel, as more particularly set forth herein.

## ASSIGNMENT AND ASSUMPTION

### AGREEMENT

NOW, THEREFORE, in consideration of the foregoing and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, Developer and Assignee hereby agree as follows:

1. Assignment. Except as set forth in Section 3 below, Developer hereby assigns, effective as of ~~Developer's conveyance of the Assigned Parcel to Assignee~~the Effective Date, all of the rights, title, interest, burdens and obligations ~~(collectively, "Rights and Obligations")~~ of Developer under the Development Agreement with respect to the Assigned Parcel. Developer retains all the ~~rights, title, interest, burdens and obligations~~Rights and Obligations under the Development Agreement with respect to all other property within the Subject Property owned by Developer.

2. Assumption. Except as set forth in Section 3 below, Assignee hereby assumes, effective as of the Effective Date, all of the ~~rights, title, interest, burdens and obligations~~Rights and Obligations of Developer under the Development Agreement with respect to the Assigned Parcel, and agrees to observe and fully perform all of the duties and obligations of Developer under the Development Agreement with respect to the assigned Rights and Obligations with respect to the Assigned Parcel. The parties intend hereby that, ~~upon the execution of this Agreement and conveyance of the Assigned Parcel to Assignee~~as of the Effective Date, Assignee shall become substituted for Developer as the "Developer" under the Development Agreement with respect to the assigned Rights and Obligations for the Assigned Parcel.

3. Obligations Not Assumed. Notwithstanding the provisions of Sections 1 and 2 above, Developer is not assigning and Assignee is not assuming the following Rights and Obligations of Developer under the Development Agreement with respect to the Assigned Parcel and, as between Developer and Assignee, Developer shall retain 100% of such Rights and Obligations under the Development Agreement:

(a) Section 6.1.2, Agricultural Land Mitigation Fee (EIR Mitigation Measure 3.7.4).

(b) Section 6.4.2, Rehabilitation of Existing Residential Units. Notwithstanding the non-assignment to Assignee of Developer's Rights and Obligations under Section 6.4.2 of the Development Agreement, Assignee hereby agrees to reimburse Developer an nine and two-tenths percent (9.2%) pro rata share of any fee imposed on the Developer by the City, up to a maximum of \$115,000, in the event that Developer elects to pay the rehabilitation fee rather than undertaking the actual rehabilitation of such residential units.

(c) Section 6.4.3, Downtown Impact Fee.

(d) Section 6.4.5 Maintenance of Lands Dedicated to City.

(e) Section 6.4.6, Fire Station and Equipment.

(f) Section 6.4.8, Public Art.

(g) Section 6.4.9, Animal Shelter.

(h) Section 6.4.10, Costs re: Utility Service. Notwithstanding the non-assignment of Developer's Rights and Obligations under Section 6.4.10 of the Development Agreement, the parties agree that such costs are included in the infrastructure costs allocated between the parties as set forth in that certain Infrastructure Development and Reimbursement Agreement between Developer and Assignee dated as of even date herewith ("Infrastructure Agreement").

(i) Section 6.5, Annexation.

(j) Section 9, Community Facilities District. .

(k) Citizens for Open Government Settlement Conditions. Section 2(B)(Agricultural Conservation Easements), Section 2(F) (Pedestrian Transit and Bicycle Infrastructure), and Section 2(H)(funding for residential water service) of that certain Agreement to Amend Draft Development Agreement and Refrain From Challenging Land Use Project dated August 24, 2006, between the City, Citizens for Open Government and Developer and incorporated into the Development Agreement.

#### 4. Indemnification.

4.1 Developer Indemnity. Developer agrees to indemnify, defend (with counsel reasonable acceptable to Assignee) and hold harmless Assignee its officers, directors, members, partners, employees, agents, representatives, successors and assigns from and against any costs (including, without limitation, reasonable attorneys' fees and costs), claims, damages or causes of action arising out of or resulting from the failure of Assignor to comply with or perform the covenants, conditions, agreements, duties and obligations of Assignor under the Development Agreement or in connection with any claims for indemnification by the City under Section 25 of the Development Agreement with respect to the Assigned Parcel and arising prior to the Effective Date. In addition, Developer agrees to indemnify, defend (with counsel reasonable acceptable to Assignee) and hold harmless Assignee its officers, directors, members, partners, employees, agents, representatives, successors and assigns from and against any costs (including, without limitation, reasonable attorneys' fees and costs), claims, damages or causes of action arising out of or resulting from the failure of Assignor to comply with or perform the covenants, conditions, agreements, duties and obligations of Assignor under the Development Agreement or in connection with any claims for indemnification by the City under Section 25 of the Development Agreement with respect to all of the Subject Property arising at any time, except with respect to the Assigned Parcel on and after the Effective Date.

4.2 Assignee Indemnity. Assignee agrees to indemnify, defend (with counsel reasonable acceptable to Developer) and hold harmless Developer, its officers, directors, members, partners, employees, agents, representatives, successors and assigns from and against any costs (including, without limitation, reasonable attorneys' fees and costs) claims, damages or causes of action arising out of or resulting from the failure of Assignee to comply with or perform the covenants, conditions, agreements, duties and obligations of Assignee under the Development Agreement or in connection with any claims for indemnification by the City under Section 25 of the Development Agreement, with respect to the Assigned Parcel and arising on and after the Effective Date.

5. Notices. The notice address described in Section 29 of the Development Agreement for the Developer and Assignee shall be:

To DEVELOPER to: San Joaquin Valley Land Company  
1420 S. Mills Avenue, Suite K  
Lodi, CA 95242  
Attention: Dale Gillespie  
Telephone No. 209-333-3400  
Facsimile No.: 209-369-6504

With a copy to: Hakeem, Ellis & Marengo  
3414 Brookside Road, Suite 100  
Stockton, CA 95219  
Attention: Michael D. Hakeem, Esq.  
Telephone No. 209-474-2800  
Facsimile No.: 209-474-3654

To ASSIGNEE to: Blue Shield of California  
California Physicians' Service  
Attention: Executive Vice President,  
Customer Service and Corporate Marketing  
Telephone No. 415-229-5000  
Facsimile No.: 415-229-5056

With a copy to: Blue Shield of California  
50 Beale Street  
San Francisco, CA 94105  
Attention: Law Department  
Telephone No.: 415-229-5000  
Facsimile No.: 415-229-5274

With a copy to: Reed Smith LLP  
Two Embarcadero Center  
San Francisco, CA 94111  
Attention: Sherry G. Geyer, Esq.  
Telephone No.: (415) 569-5974  
Facsimile No.: (415) 391-8269

6. Representations.

6.1 Status. Assignee is a California not-for-profit mutual benefit corporation  
duly organized, validly existing and in good standing under the laws of the State of California.  
Assignor is a limited liability company duly organized, validly existing and in good standing  
under the laws of the State of California.

6.2 Authority. This Agreement is duly authorized, executed and delivered and  
shall be the legal, valid and binding obligation of each of the parties hereto. Assignor and  
Assignee each represent and warrant that the person signing this Agreement on behalf of such  
party has full power and authority to execute this Agreement on such party's behalf.

7. Miscellaneous.

7.1 Governing Law. This Agreement shall be governed by and construed in  
accordance with the laws of the State of California.

7.2 ~~3. Successor and Assigns.~~ All of the covenants, terms and conditions set forth herein shall be binding upon and shall inure to the benefit of the parties hereto and their respective ~~heirs,~~ successors and assigns.

~~4. The Notice Address described in Section 29 of the Development Agreement for the Developer with respect to the Assigned Parcel shall be:~~

~~SAN JOAQUIN VALLEY LAND COMPANY, LLC  
1420 S. Mills Avenue, Suite K  
Lodi, CA 95242~~

7.3 Attorneys' Fees. If either party brings or commences any legal action or proceeding to enforce any of the terms of this Agreement (or for damages by reason of an alleged breach of this Agreement), the prevailing party in such action shall be entitled to recover all costs and expenses of litigation, including reasonable attorneys' fees.

7.4 Incorporation of Exhibits. Each exhibit attached to and referred to in this Agreement is hereby incorporated by reference as though set forth in full where referred to herein.

7.5 Counterparts. This Agreement may be signed in counterparts, each of which shall be deemed an original and all of which when taken together shall constitute one instrument.

[Signatures on following page.]

IN WITNESS HEREOF, the parties hereto have executed this Agreement as of the day and year first above written. ~~This Agreement may be signed in identical counterparts~~

DEVELOPER

SAN JOAQUIN VALLEY LAND  
COMPANY, LLC  
a California limited liability company

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

ASSIGNEE

CALIFORNIA PHYSICIANS' SERVICE  
dba  
Blue Shield of California,  
a California not-for-profit mutual benefit  
corporation

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

CONSENT OF CITY OF LODI

The City of Lodi hereby consents to the assignment of the Development Agreement by San Joaquin Valley Land Company ("Developer") to California Physicians' Service d/b Blue Shield of California ("Assignee"), and Assignee's assumption thereof as set forth in the Assignment and Assumption of Development Agreement dated June \_\_, 2007 between Developer and Assignee.

**DEVELOPER:**

~~SAN JOAQUIN VALLEY LAND  
COMPANY, LLC~~

By: \_\_\_\_\_  
Name: ~~Dale N. Gillespie~~  
Title: ~~Managing Member~~

**ASSIGNEE:**

\_\_\_\_\_  
a \_\_\_\_\_

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_

CITY OF LODI

By: \_\_\_\_\_  
Name: Blair King  
Title: City Manager

Dated: June \_\_, 2007

Form of assignment agreement hereby approved:

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: City Attorney

Dated: June \_\_, 2007



**EXHIBIT A**

Legal Description of Subject Property

(See Attached)

Exhibit A

DOCSSEO-12479820.3

**EXHIBIT B-1**

Legal Description of Assigned Parcel

(See Attached)

Exhibit B-1

DOCSSEO-12479820.3

**EXHIBIT B-2**

Site Map of Assigned Parcel

Exhibit B-2

DOCSSEO-12479820.3

STATE OF CALIFORNIA )  
 )  
COUNTY OF )

On , 2007 before me, , Notary Public, personally appeared  
, personally known to me (or proved to me on the basis of satisfactory  
evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and  
acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies),  
and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of  
which the person(s) acted, executed the instrument.

Witness my hand and official seal.

Signature

STATE OF CALIFORNIA )  
 )  
COUNTY OF )

On , 2007 before me, , Notary Public, personally appeared  
 , personally known to me (or proved to me on the basis of satisfactory  
 evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and  
 acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies),  
 and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of  
 which the person(s) acted, executed the instrument.

Witness my hand and official seal.

Signature

Document comparison done by DeltaView on Wednesday, June 06, 2007 10:37:42 AM

Input:	
Document 1	pcdocs://docssfo/12479820/1
Document 2	pcdocs://docssfo/12479820/3
Rendering set	ReedSmith Standard

Legend:	
<u>Insertion</u>	
<del>Deletion</del>	
<del>Moved from</del>	
<u>Moved to</u>	
Style change	
Format change	
<del>Moved deletion</del>	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	122
Deletions	39
Moved from	0
Moved to	0
Style change	0
Format changed	0
Total changes	161

**Comments by the public on non-agenda items**

**THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.**

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

**Comments by the City Council Members on non-agenda items**





## **CITY OF LODI COUNCIL COMMUNICATION**

TM

**AGENDA TITLE:** Post for One Vacancy on the Lodi Arts Commission

**MEETING DATE:** June 20, 2007

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** Direct the City Clerk to post for one vacancy on the Lodi Arts Commission.

**BACKGROUND INFORMATION:** The City Clerk's Office was notified of the resignation of Arts Commissioner John Callahan. It is, therefore, recommended that the City Council direct the City Clerk to post for the vacancy below.

**Lodi Arts Commission**

John Callahan                      Term to expire July 1, 2008

Government Code Section 54970 et seq. requires that the City Clerk post for vacancies to allow citizens interested in serving to submit an application. The City Council is requested to direct the City Clerk to make the necessary postings.

**FISCAL IMPACT:** None.

**FUNDING AVAILABLE:** None required.

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Randi Johl  
City Clerk

RJ/JMP

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**APPROVED:** \_\_\_\_\_  
Blair King, City Manager



TM

## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Appointments to the Greater Lodi Area Youth Commission (Student Appointees)  
**MEETING DATE:** June 20, 2007  
**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** Concur with the Mayor's recommended appointments to the Greater Lodi Area Youth Commission (Student Appointees).

**BACKGROUND INFORMATION:** At the City Council meeting of April 4, 2007, the City Clerk's Office was directed to post for the four expiring terms and three vacancies on the Greater Lodi Area Youth Commission. Due to the timing of the interview process and the completion of the agenda packet, the Mayor's recommendations will be provided as a "Blue Sheet" item at the June 20, 2007, City Council meeting.

**Greater Lodi Area Youth Commission**

Student Appointees :

Term to expire May 31, 2008

Term to expire May 31, 2008

Term to expire May 31, 2008

Term to expire May 31, 2009

Term to expire May 31, 2009

Term to expire May 31, 2009

Term to expire May 31, 2009

NOTE: There were 16 applicants (2 seeking reappointment, 10 new applications, and 4 applications on file); posting ordered 4/4/07; published in LNS 4/14/07; application deadline 5/14/07

**FISCAL IMPACT:** None.

**FUNDING AVAILABLE:** None required.

RJ/JMP

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Randi Johl  
City Clerk

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**APPROVED:** \_\_\_\_\_

Blair King, City Manager



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## **CITY OF LODI COUNCIL COMMUNICATION**

**AGENDA TITLE:** Monthly Protocol Account Report

**MEETING DATE:** June 20, 2007

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** None required, information only.

**BACKGROUND INFORMATION:** The City Council, at its meeting of July 19, 2000, adopted Resolution No. 2000-126 approving a policy relating to the City's "Protocol Account." As a part of this policy, it was directed that a monthly itemized report of the "Protocol Account" be provided to the City Council.

Attached please find the cumulative report through May 31, 2007.

**FISCAL IMPACT:** N/A

**FUNDING AVAILABLE:** See attached.

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Randi Johl  
City Clerk

RJ/JMP

Attachment

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**APPROVED:** \_\_\_\_\_  
Blair King, City Manager

**PROTOCOL ACCOUNT SUMMARY**  
**FISCAL YEAR 2006-07**

*Cumulative Report through May 31, 2007*

Date	Vendor	Description	Amount	Balance
				<b>Starting Bal.</b> <b>\$12,000.00</b>
7/5/06	Albertsons	Centennial cake for Council meeting of 7/5/06	\$ 19.99	
7/21/06	Paper Direct	Small gift boxes for souvenirs (B&C reception 8/31/06)	69.83	
8/2/06	Hutchins St. Square	Facility Security Guard (B&C reception 8/31/06)	52.50	
8/2/06	Paper Direct	Custom paper for programs (B&C reception 8/31/06)	56.93	
8/2/06	Albertsons	Centennial cake for Council meeting of 8/2/06	19.99	
8/3/06	A Touch of Mesquite	30% deposit for catering (B&C reception 8/31/06)	462.15	
8/24/06	Oriental Trading Co.	Metallic confetti (6 bags) (B&C reception 8/31/06)	24.65	
8/31/06	Lakewood Drug	60 color balloons w/ribbon (B&C reception 8/31/06)	53.88	
8/31/06	Weigum Nursery	17 medium flower bowls (B&C reception 8/31/06)	155.34	
8/31/06	Lakewood Liquors	Local wines, ice, delivery (B&C reception 8/31/06)	506.06	
8/31/06	A Touch of Mesquite	70% balance for catering (B&C reception 8/31/06)	1,078.35	
8/31/06	Lowe's	3 large flower bowls (B&C reception 8/31/06)	31.60	
9/6/06	Albertsons	Centennial cake for Council meeting of 9/6/06	19.99	
10/4/06	Albertsons	Centennial cake for Council meeting of 10/4/06	19.99	
10/24/06	Costco	Food & water for AB1234 mandated training	70.17	
11/1/06	Safeway	Centennial cake for Council meeting of 11/1/06	20.99	
12/6/06	Village Flowers and Gifts	Flowers for Deputy City Clerk Taylor (presented at 12/6/06 meeting)	64.60	
12/8/06	Lasting Impressions	Plaques and awards for Mayor's Community Service award	378.95	
12/8/06	Lasting Impressions	Plaque for outgoing Mayor	50.37	
12/18/06	Rollin In Dough	Holiday cookie deliveries from Council	489.50	
5/14/07	Smart & Final	Snacks for Celebration on Central	64.84	
5/15/07	Oriental Trading Co.	Crayons for Celebration on Central	73.83	
			<b>Total Expenditures:</b> <b>(\$3,784.50)</b>	<b>Ending Bal.</b> <b>\$8,215.50</b>

Prepared by: JMP